

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
2nd AUGUST 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/1872/FUL

373 THORNABY ROAD, THORNABY

REVISED APPLICATION FOR ALTERATIONS AND EXTENSIONS TO FRONT AND REAR AND CHANGE OF USE TO 2 NO. SHOP UNITS ON THE GROUND FLOOR (1 NO. BOOKMAKER AND 1 NO. LADIES HAIRDRESSER) AND 1 NO. SHOP UNIT (GENTS HAIRDRESSER) AND 1 NO. FLAT ON THE FIRST FLOOR WITH OFFICE SPACE ON THE FIRST FLOOR FOR USE BY LADIES HAIRDRESSER UNIT ON GROUND FLOOR.

EXPIRY DATE: 4th AUGUST 2006

Summary:

The application site is a large building situated on the corner of Thornaby Road and Laburnum Avenue currently used as a fitness salon and hairdressers with offices above.

Planning permission is sought for the erection of a 6m x 5.3m single storey extension to the rear and a 2.5m x 16.8m single storey extension across the front of the premises. It is proposed that this will allow for internal alterations to create 2no. units at ground floor with a hair salon, office for unit 1 and a flat at first floor.

7 letters of objection and 1 petition have been received in relation to the proposed development these concerns are detailed within the report and have been addressed in the material planning considerations of the report.

It is considered that the creation of additional floor space outside of the defined centres is, in this particular case acceptable. The proposed development is judged to be visually acceptable, would not harm residential amenity or cause any significant issues of highway safety.

Recommendations:

RECOMMENDED that application 06/1872/FUL be approved subject to the following conditions:-

01. *The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s):- SBC001, Dwg No.1, No. 5, No. 7 and No.9*

Reason: To define the consent.

02. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. The hereby approved commercial premises (Use classes A1 and A2) shall not be open for business outside of the following times of 0600 hrs to 2130 hrs.

Reason: To protect the amenity of the nearby residential properties.

04. Before the commencement of the development hereby permitted, a scheme for the protection of the dwelling from noise disturbance from the commercial units detailed in the application shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the building is adequately soundproofed in the interests of the occupants of nearby premises.

05. Before the commencement of the development hereby permitted, a scheme for the protection of the dwelling from noise from the adjacent roads shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before the permitted dwelling is occupied.

Reason: To protect the amenity of the occupants of the dwelling from excessive traffic noise.

06. Notwithstanding any description, full details of the required 2No. covered secure cycle parking spaces shall be submitted to and agreed in writing with the Local Planning Authority, such agreed details shall be provided on site before the retail units hereby approved are occupied.

Reason; To ensure proper provision of cycle facilities.

Policy GP1 of the adopted Stockton-on-Tees Local Plan, emerging policies S1 and S18 of the Local Plan Alteration No.1 and Supplementary Planning Guidance No. 1 (Shop Front Design) were considered relevant to this decision.

Background

1. Members may be aware that a previous application for extensions and alterations to form 2 no retail units on ground floor, a first floor shop unit and change of use from first floor office to flat on the site was refused in January 2006 (app No. 05/3315/FUL) for the following reason;

“In the opinion of the Local Planning Authority the proposed development for unspecific A1 uses is considered unacceptable having regard to the potential to generate anti social behaviour in an area experiencing severe problems of anti social behaviour.”

In this current application the applicants have sought to address this by stipulating the proposed usages for each of the units.

The Proposal

2. The application site is a large building situated on the corner of Thornaby Road and Laburnum Avenue and has had a variety of previous uses and previous approvals including consent for offices and shops. At present the premises are used as fitness salon, hairdressers with offices above.
3. Planning permission is sought for the erection of a 6m x 5.3m single storey extension to the rear and a 2.5m x 16.8m single storey extension across the front of the premises. It is proposed that this will allow for internal alterations to create a bookmakers (use class A2) and ladies hair salon (use class A1) at ground floor with a gent's hair salon (use class A1), office for the ladies hair salon and a flat at first floor.

Consultations

4. The following responses have been received from departments and bodies consulted by the Local Planning Authority

Councillor Beryl Robinson

A number of my residents in Village Ward have expressed deep concern over this planning application. To the extent that I feel I must write and object to the application to have a bookmaker as one of the tenants.

There is already a bookmakers on Thorntree Road within walking distance. Also it is felt that the increased amount of traffic such a business would attract is worrying to residents in the immediate area. There are only eight parking places; businesses such as hairdressers both male and female will also require parking facilities for some time. Especially the ladies, as some appointment can last two to three hours.

This could result in cars being parked in the surrounding area, mainly Laburnum Road, this road already has problems with cars speeding and at the moment are in negotiations with SBC to sort out their traffic calming, more parked cars will only add to the problems.

Head of Integrated Transport and Environmental Policy

I have no adverse comments to make regarding this application.

Environmental Health Unit

No objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

- Noise disturbance between Living accommodation and shop unit.

5. The Local residents and occupiers have been individually notified of the application. The latest neighbour consultation period expired on the 10th July 2006. 7 letters of objection and 1 petition with 11 signatures have been received to the proposed development since its submission

Mr D Singh - Red Rose Chippy' Laburnum Avenue

No additional businesses are required as existing commercial premises met the needs of the local residents and the development may impact on existing businesses.

Concerns are also raised in relation to increases in traffic and congestion.

Mrs J Skipp - 454 Thornaby Road' Thornaby

Writes on object on behalf of her family at No. 454 Thornaby Road, Mr G Small at No. 452 Thornaby Road and Mr and Mrs Wetherill at No. 444 Thornaby Road.

Objects due to the increase in traffic and car parking and implications for highway safety. Also raises issues of increased noise pollution and anti-social behaviour.

J Snowden – Briarville, Laburnum Avenue

Objects to the proposed development as the development will add to existing parking problems in the area. Concerns are also raised in relation to anti-social behaviour problems.

James Layfield - Roselea' Laburnum Avenue

Objects to the proposed development as it will block light to the garden and the surrounding area will not benefit from any additional businesses.

Parking in the area is limited and the development will only worsen existing problems.

Mr K Singh - South View Store' Laburnum Avenue

Objects to the proposed development due to possible increases in traffic, worsen existing parking problems, noise pollution, anti-social behaviour and impact on quality of life.

Mr Peter Brennan - Village Park Residents Association (www.vpra.org.uk)

Concerns are raised over the impacts of the development in relation to traffic, anti-social behaviour and the impacts of the betting shop in the area.

Residents may however rethink objections should some form of covenant or restriction be placed on the building to prevent future changes of use to a retail outlet.

Mr L Singh - 371 Thornaby Road' Thornaby

Objects to the proposed development due to the increased traffic the development is likely to cause in the area.

Concerns are also raised in relation to anti-social, impact on the nearby nursing home and nearby businesses.

Planning Policy Considerations

6. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development

Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

The following policies of the adopted Stockton on Tees Local Plan and emerging policies from the Local plan Alteration No.1 are considered to be relevant to this decision;

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy S1

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the boundaries of the centres of the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

A) Stockton-on-Tees Town Centre

B) The District Centres at :

- 1) Billingham
- 2) Thornaby
- 3) Yarm

C) The Local Centres at :

- 1) Billingham Green, Billingham
- 2) Myton Way, Ingleby Barwick
- 3) High Street, Norton.
- 4) High Newham Court, Stockton

D) The Neighbourhood Centres at :

- 1) Clifton Avenue, Billingham;
- 2) Kenilworth Road, Billingham;
- 3) Low Grange, Billingham;
- 4) Mill Lane, Billingham;
- 5) Station Road, Billingham;
- 6) Tunstall Avenue (Neasham Avenue), Billingham;
- 7) Wolvison Road, Billingham;
- 8) Orchard Parade (Butterfield Drive), Eaglescliffe;
- 9) Station Road, Eaglescliffe;
- 10) Sunningdale Drive, Eaglescliffe;
- 11) Beckfields Centre, Ingleby Barwick;
- 12) Lowfields, Ingleby Barwick;
- 13) Norton Road (north), Norton;
- 14) Norton Road (central), Norton;
- 15) Norton Road (south), Norton;

- 16) Surrey Road, Norton;
- 17) The Clarences, Port Clarence;
- 18) Durham Road, Stockton;
- 19) Elm Tree Centre, Stockton;
- 20) Harper Parade, Stockton;
- 21) Hanover Parade, Stockton;
- 22) Marske Parade, Stockton;
- 23) Oxbridge Lane, Stockton;
- 24) Premier Parade, Stockton;
- 25) Redhill Road, Stockton;
- 26) Rimswell Road, Stockton;
- 27) Upsall Grove, Stockton;
- 28) Yarm Lane, Stockton;
- 29) Newton Drive (Bassleton Lane), Thornaby;
- 30) Thorntree Road, Thornaby;
- 31) Westbury Street, Thornaby;
- 32) High Street, Wolviston;
- 33) Healaugh Park, Yarm.

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area which it serves.

Policy S18

Planning permission for new shop fronts will only be permitted provided they meet the following criteria:-

- i) Design must be in keeping with the character, scale, colours, materials, proportions, and period of the building and wider street scene.
- ii) Existing independent access to upper floors is maintained.
- iii) Corporate shop fronts and logos should maintain the appearance of the building or wider street scene.
- iv) Where two or more units are to be joined into one unit, the frontage should maintain the appearance of more than one unit in order to maintain the visual balance of the street.
- v) One hanging sign is permitted per unit which must measure no more than 600mm wide by 1000mm tall, and 35mm deep, and be fixed at least 2400mm from the ground at its lowest point, but below the first floor window sill at its highest point.
- vi) Where illumination is required it should be sited externally.
- vii) Security shutters must be of a grille design that allows the window display to be seen, and unless there are justified reasons that prevent it, must be installed on the inside of the window;
- viii) Other security devices must be an integral part of the shop front and not be visually obtrusive.

Material Planning Considerations

7. The main planning considerations of this application are the potential impacts on the character of the area, vitality and viability of local centres, access and highway safety and the amenity of the neighbouring premises.

Impact on the vitality and viability of the existing local centres.

8. Within the adopted Stockton on Tees adopted Local Plan (1997) there are no specific policies which relate to the application site. However, the Statutory Proposed Modifications draft of the Local Plan Alteration No.1 deals with retail elements within the Borough.

9. Policy S1 sets out a retail hierarchy of defined centres of which new retail development and other town centre uses are to be encouraged to be located within in order to protect and enhance their vitality and viability. The property at 373 Thornaby Road does not however, lie within a defined retail centre as detailed in policy S1.
10. Nevertheless, it is accepted that there is often a need for individual shops or corner shops that are a reasonable walking distance from residential areas e.g. 400 metres. Therefore, outside the defined centres small-scale provision of local shops and services may be acceptable to serve local demand, thereby contributing towards the objective of sustainable development by reducing the need to travel. Whilst the proposed uses are not specifically shops it would within permitted development right for changes in usage to occur within either the A2 use in respect of the betting office or to a use within the A1 use class. Given that both the A2 and A1 uses are considered to be acceptable in this location it is considered unreasonable to impose a planning condition to restrict the proposed development to the suggested uses.
11. It is considered that due to the existing uses on the site, the small-scale nature and given the 500m distance from Thornaby District Centre and the densely populated surrounding area it is unlikely that the proposal will have an adverse impact on the nearby Thornaby District Centre.
12. Several of the objectors have raised potential issues with the proposed development potentially affecting the viability of the surrounding businesses. However, the issue of competition is not a material planning consideration and cannot be considered as part of the application.
13. Given the above considerations the principle of the proposed development is judged to be acceptable and will not be detrimental to the vitality and viability of any neighbouring local or district centres.

Character of the area

14. Policy S18 relates to planning permission for new shop fronts where it is stated that various criteria must be met, including; the design must be in character with the wider street scene, existing independent accesses to upper floor must be maintained and where two or more units are to be joined into one, the frontage should maintain the appearance of more than one unit.
15. The council's Supplementary Planning Guidance on Shop frontages (SPG no.1) also states that shop frontages provide a variety of functions allowing light into the ground floor, providing an area for the display of goods and provide visual and physical support for the upper floors of the building.
16. The proposal includes large windows to allow additional light into the building and for the display of goods, a smaller entrance to emphasise the secondary nature of the access to the salon above and detailing such as the 'quoins' within the extension to relate to the existing character of the premises and give the appearance of two units. It is therefore considered that the proposed development accords with policy GP1 of the adopted Local Plan, policy S18 and the Council's supplementary planning guidance.

Amenity of the neighbouring properties

17. The proposed development will include a single storey extension which will be situated adjacent to Rose Lea on Laburnum Avenue. The proposed extension will contain no windows and the neighbouring property has no gable windows in the elevation facing the development. No other external alterations are proposed in the elevation facing Rose Lea and given that there is already an office use with windows facing towards the side of the property, it is not considered that the proposed office use for the ladies hair salon would worsen the existing situation. There are therefore no significant issues that would cause a detrimental impact on the amenity of the neighbouring residents that would justify a reason for refusal of the application.
18. Concerns have been raised with regards to the possible impacts of noise and disturbance to the neighbouring properties, caused by the proposed development. Given that the proposed usages are fall within either the A1 or A2 use of the use classes order and no restrictions are considered necessary to ensure that the development is limited to the suggested uses only it is considered reasonable to restrict the opening hours of the proposed development. Given a recent appeal decision for a retail premises on Durham Road, Stockton (Appeal reference: H0738/A/04/1166223) and the similarities between the application site and the site of the appeal decision it is considered reasonable to restrict the opening hours to 0600 hrs – 2130 hrs to protect a reasonable level of residential amenity
19. Whilst concerns have been raised by the objectors in relation to anti-social behaviour in the immediate locality it is considered that the limitation of opening hours as suggested above should also help to restrict any potential problems of anti-social behaviour and that this is not significant enough to justify a reason for refusal of the application.

Access and highway safety

20. The Head of Integrated Transport and Environmental Policy have commented that they have no objections to the proposed development. Many of the objections received from local residents have also raised concerns that the proposed development may result in an increase in traffic and cause potential highway safety issues. As no objections have been received from the Head of Integrated Transport and Environmental Policy, it is not considered that any potential impacts are significant enough to warrant a refusal of the application.

Conclusion.

21. It is considered that given the existing uses of the premises that the creation of additional floor space outside of the defined centres is, in this particular case acceptable. The proposed development is judged on balance to be visually acceptable and would not have an adverse impact on the character of the area, or the amenity of the surrounding of the surrounding residential properties and will not cause any significant issues of highway safety. Overall the proposed development accords with policy GP1 of the adopted Stockton on Tees Local Plan and emerging policies S1 and S18 of the Local Plan Alteration and the application is subsequently recommended for approval.

Corporate Director of Development & Neighbourhood Services
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Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)

Statutory Proposed Modifications Draft of the Local Plan Alteration No.1 (2005)

Supplementary Planning Guidance No.1 (Shop Front Design)

Planning Application 05/3315/FUL

Ward and Ward Councillors

Village Ward

Councillors I Dalgarno and Mrs B Robinson