

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 24th September 2008

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

08/2238/FUL

13 Roseberry Road, Billingham

Retrospective application to erect a steel clad/timber newspaper store and 1.45 metre high boundary fence to front and side.

Expiry Date 17th September 2008

SUMMARY

Approval is sought for the erection of a steel clad/ timber newspaper store and closed boarded fence measuring 1.45 metres in height to enclose the side and front garden serving the application site. This is to replace a higher structure, built without consent and for which retrospective planning approval was initially sought. However following 11 letters of objection, along with a petition consisting of 69 names and an objection from Landscape Architects relating to the store, on the grounds that it is visually obtrusive within the street scene revised plans have been submitted. The revised scheme incorporates a reduction in height of the store to match the height of the fence and a revised location. The proposed store will be sited adjacent to the gate which adjoins the side elevation of the existing shop.

Whilst the received objections have not been formally withdrawn, no letters of objection have been received following consultation regarding the revised scheme. Given that the revised scheme includes a reduction in the height of the proposed store it will largely be screened by the boundary treatments and as such is considered to be acceptable.

RECOMMENDATION

Planning application 08/2238/FUL be Approved with Conditions

01 The development hereby approved shall be in accordance with the amended design, as shown on plan numbers 01 A 14/8/08 and 02 A 14/8/08 and the revised design should be implemented within 3 months of the date of this decision notice unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the consent.

BACKGROUND

1. Retrospective planning approval was originally sought for a boundary fence and a newspaper store measuring approximately 2.1 metres in height. The unauthorised development was brought to the attention of the planning department by means of a complaint from a member of the public. As such a

formal application was requested and subsequently received. Following objections from neighbouring properties and the Head of Technical Services a revised scheme was submitted which includes amendments to the siting and design proposed store.

PROPOSAL

2. Approval is sought for the erection of a steel clad store for newspaper deliveries and a 1.45 metre high closed boarded fence to enclose the front and side garden serving the application site. This is a revision to the scheme initially submitted and described above.
3. The proposed store will measure 2.2 metre in length with a width of approximately 1.5 metres. The design incorporates a sloping roof with a maximum height of approximately 1.45 metres, with the store located approximately 1 metre in front of the front elevation of the existing shop. This is to allow for a gate which provides access to the parking and delivery area to the side of the site. The store consists of timber cladding with a felt roof and a timber door in the front elevation which faces on to the area of hard standing directly in front of the existing shop to allow access at this point.
4. The application also includes a 1.45 metre high closed boarded fence to enclose the front and side garden of the application site.

SITE AND SURROUNDINGS

5. The application site is a convenience store, with a flat above, located at the corner of Roseberry Road and Cambrian Road. The surrounding area is largely residential in nature though the adjacent property is a hair dressers. Directly in front of the application site is an area of hard standing, which provides parking for the application site, beyond which is a busy highway, Roseberry Road, which provides access to Billingham Town Centre.

CONSULTATIONS

6. No Objections were received from Ward Councillors
7. Technical Services objected to the original submitted scheme on the basis that, owing to the prominent location, the original design would result in a detrimental impact upon the street scene. Following submission of a revised design the objection has been withdrawn.

PUBLICITY

8. Eleven letters of objection were received from local residents as set out below, responding to the original application that sought retrospective planning application for the unauthorised store. The objections were on the grounds that the development was out of keeping with the area and it created a visually obtrusive alien feature.

3 Cambrian Road
4 Cambrian Road
21 Roseberry Road
23 Roseberry Road
10 Roseberry Road

18 Roseberry Road
11 Roseberry Road
2 Cambrian Road
17 Roseberry Road
24 Roseberry Road
6 Roseberry Road

9. Furthermore a petition of 69 signatures objected to the store, as originally submitted, however the petition stated that these people did not object to the fence included in this application.
10. Following consultation regarding the revised scheme one letter was received from 24 Roseberry Road formally withdrawing the objection however, whilst many of the objections state that if the design was amended there would be no objection, the other objections have not formally been withdrawn.
11. 2 letters of no objection were received from the following addresses

12 Roseberry Road
20 Roseberry Road

PLANNING POLICY CONSIDERATIONS

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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).
13. The following planning policies are considered to be relevant to the consideration of this application: -

Policy GP1

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

- a. The external appearance of the development and its relationship with the surrounding area;
- b. The effect on the amenities of the occupiers of nearby properties;
- c. The provision of satisfactory access and parking arrangements;
- d. The contribution of existing trees and landscape features;
- e. The need for a high standard of landscaping;
- f. The desire to reduce opportunities for crime;
- g. The intention to make development as accessible as possible to everyone;
- h. The quality, character and sensitivity of existing landscapes and buildings;
- i. The effect upon wildlife habitats;
- j. The effect upon the public rights of way network.

MATERIAL PLANNING CONSIDERATIONS

14. The main considerations when assessing this application are the impact upon the amenity of neighbouring properties and any implications for highway safety. Also necessary for consideration is the impact of the design of the development in relation to the existing property and the character of the surrounding street scene.

Impact upon the amenity of neighbouring properties

15. The neighbouring properties directly opposite are located approximately 33 metres from the location of the proposed store. Given that the revised design will not project higher than the existing boundary treatments, it is not considered that the proposed store will have a detrimental impact upon the neighbouring properties opposite in terms of visual impact. Furthermore, given that the surrounding properties have boundary treatments to the front which exceed 1 metre in height, it is not considered that the 1.45 metre high fence included in this application will have a detrimental impact upon the amenity of neighbouring properties.
16. Given that the attached neighbouring property is commercial in nature it is not considered that the revised design of the proposed development will have a detrimental impact upon the amenity of this neighbouring land user.
17. The application site, the neighbouring property to the rear, number 2 Cambrian Road is situated upon a different aspect to the application site, and as such does not directly overlook the location of the proposed development. Furthermore, owing to the location, within the side garden of the application site, and revised design of the proposed store, it will be largely screened from the neighbouring property to the rear.
18. The residential neighbouring property to the west, number 11 Roseberry Road, is separated from the application site by a highway. As such there is a separation distance of approximately 22 metres to the side elevation of this neighbouring property. Given that the store will largely be screened by the boundary fence, and that the fence is considered to be in keeping with the character of the surrounding area it is not considered that the development will have a detrimental impact upon this neighbouring property.

Impact upon highway safety

19. The Head of Technical Services has commented that the revised design does not affect sightlines at the junction and as such has no objection to the development. Therefore it is not considered that the development has an adverse affect upon highway safety.

Design of the proposal

20. The revised design of the store and its siting is considered to be acceptable. The reduced height of the store means it will largely be screened from the surrounding properties. As such it is not considered that the store will create an incongruous feature within the street scene. With regard to the fence there are numerous examples of boundary treatments, within Roseberry Road, which exceed 1 metre in height, particularly upon corner plots. As such it is not considered that the fence will have a detrimental impact upon the character of the area.

CONCLUSION

21. In conclusion, it is considered that the revised design of the development, accords with the Council's adopted standards and Adopted Stockton on Tees Local Plan Policies GP1 and as such is considered to be acceptable.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Helen Turnbull
Telephone No 01642 526063
Email address helen.turnbull@stockton.gov.uk

Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As report

Background Papers –

Stockton on Tees Local Plan (June 1997), Adopted Tees Valley Structure Plan (February 2004),

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

WARD AND WARD COUNCILLORS

Ward **Billingham West**
Ward Councillor **Councillor M. E. Womphrey**

Ward **Billingham West**
Ward Councillor **Councillor Mrs M. B. Womphrey**