

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

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

**08/1496/FUL**

**64 - 66 Leven Road, Norton, Stockton-on-Tees**

**Change of use to mixed use development consisting of general food store, tea room, showroom, offices, fitness studio and 1 no. two bedroom flat**

**Expiry Date 18 August 2008**

### **SUMMARY**

The application site is located on the northern side of Leven Road, on the corner with Eamont Road and residential properties of a two-storey nature surround the application site. The property itself is two storeys and was originally built as a Co-operative Retail Store

Recently the premises were granted planning permission to convert the property into 9no. flats. (07/3019/FUL). However, this planning consent has not been implemented and the retail use of the property remains the permitted use.

Planning consent is sought to create a mixed use for the building consisting of general food store, tearoom, showroom, offices, fitness studio and 1 no. two bedroom flat. Members should however be aware that certain elements of the proposal could operate without the need for any planning consent due to the previous use of the building.

A revised plan has been submitted to substitute the use of part of the first floor of the building from a proposed fitness studio with a replacement retail/internet café. These alterations are currently out to public consultation and an update report will be produced for members to consider. An additional revised plan has been submitted showing the proposed signage of the buildings. However such alterations will require the correct advertisement consent, and are not considered for this application.

The proposed development is considered to be visually acceptable and would not have a detrimental impact on the amenity of the surrounding residents or highway safety. The development is therefore considered to accord with Policy GP1 of the adopted Stockton on Tees Local Plan and is subsequently recommended for approval.

### **RECOMMENDATION**

**Planning application 08/1496/FUL be approved with conditions subject to**

- 01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

<b>Plan Reference Number</b>	<b>Date on Plan</b>
1	9 June 2008
3B	4 September 2008
4B	4 September 2008
7	4 September 2008
8	23 June 2008
5	9 June 2008
6	9 June 2008
9 A	5 August 2008

**Reason: To define the consent.**

**02 The occupation of the development authorised by this permission shall not begin until:**

- a. The Local Planning Authority has approved in writing a full scheme of works for:**  
**(i) the relocation of the bus stop**  
**(ii) the relocation and reconnection of the existing lamppost**

**and**

- b. the works approved in accordance with 5(a) parts (i) & (ii) above have been completed to the written satisfaction of the Local Planning Authority; unless alternative arrangements have been approved in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety**

**03 The proposed car parking spaces as detailed on drawing No.9A shall be constructed and laid out in accordance with a scheme to be submitted to and agreed by the Local Planning Authority. Details shall include appropriate hard landscaping materials and shall be available for use prior to occupation of the hereby approved development.**

**Reason; In the interest of visual amenity.**

**04 Notwithstanding any information contained within this application full details of the 2no. cycle storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.**

**Reason: To ensure a satisfactory form of development.**

**05 Notwithstanding any description contained within the application details of the position and design of decorative bollards or railings on the corner of Eamont Road and Leven Road shall be submitted to and approved in writing by the Local Planning Authority, and unless otherwise agreed in writing shall be implemented in accordance with these agreed details prior to the occupation of the hereby approved development.**

**Reason: To restrict parking on the corner of Eamont and Leven Road, in the interests of highway safety.**

## **INFORMATIVE**

*The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be visually acceptable and will not be to the detriment of the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.*

### **Stockton on Tees Local Plan GP1 General Principles**

## **BACKGROUND**

1. The application site has a varied planning history, planning permission was granted in 1983 for the conversion of the former co-op building into Youth Training Centre (App ref; S1750/83). A further application (02/0042/P) was approved in 2002 to change the use of the premise into a retail unit once again.
2. In 2004 and 2005 planning consent was sought to convert the existing retail unit to form 11 apartments with associated external alterations, both applications were subsequently withdrawn (App refs 04/3337/FUL & 05/0383/REV).
3. A further application in 2005 (05/3100/REV) sought external alterations and to convert the property into 9no. apartments, the application was refused on highway grounds and the subsequent appeal dismissed on grounds of the impact of the development on highway and pedestrian safety and due to the inadequate, cramped nature of the parking provision represented an over-development of the site.
4. A more recent application (07/3019/FUL) again sought the conversion of the property into 9no. flats. The applicant had resolved to address the highway safety issues, which included the relocation of the adjacent bus stop and the application was subsequently approved.

## **PROPOSAL**

5. Planning consent is sought to create a mixed use for the building consisting of general food store, tea room, showroom, and 1 no. two bedroom flat. Following the submission of a revised plan the proposed fitness studio on the first floor has been replaced with an internet café.
6. Members should however be aware that certain elements of the proposal could operate without the need for any planning consent due to the previous use of the building, these elements are detailed below;
  - General food Store (Falls with the A1 use class, the current permitted use of the building)
  - Tea Room (this is considered to be ancillary to the main retail use)
  - Flat above the shop (permitted development)

## **CONSULTATIONS**

7. The following Consultations were notified and any comments received are set out below:-

### **Urban Design Engineers**

I refer to your memo dated: 13/08/08

This building currently has an extant retail use and no incurtilage car parking therefore the provision of car parking is welcomed. The location of the proposed car parking spaces is within the adopted highway therefore the spaces provided will be available to anyone and not under

the control of the applicant. Cycle parking should be provided to allow for the secure storage of at least 2 bicycles.

The applicant will need to contact the Highway Authority regarding the Sec278 works for the following: -

- The car parking bays that must be at 90° to the carriageway and 5m long to avoid vehicles overhanging the carriageway. A footway width of 2m should be maintained and appropriate physical measures introduced to prevent vehicles overhanging or restricting the footway.
- A condition of the previously approved application was that bollards or railings be installed on the corner of Eamont Road and Leven Road to prevent parking in the hardstanding area. This condition should be reapplied for the highway reasons previously stated.
- The relocation of the bus stop and lamppost to the eastern end of the property boundary was accepted under the previous application and should be reapplied.

### **Urban Design Landscape**

We have no objection to the proposal in principle. However if the application is granted consent, the following conditions should apply:

#### **ENCLOSURE & STREET FURNITURE**

Notwithstanding the proposals detailed in the submitted plans,

- a) All means of enclosure including;
  - b) and street furniture associated with the development
- shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

#### **LANDSCAPING – HARDWORKS**

Notwithstanding the proposals detailed in submitted plans, no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

### **Environmental Health Unit**

I have 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.

- Entertainment noise disturbance

No live entertainment or use of amplification equipment shall be permitted unless evidence is provided to the reasonable satisfaction of the Local Planning Authority, to demonstrate

that the rooms to be used are adequately attenuated to prevent nuisance to local residents and the written confirmation of the Local Planning Authority has first been obtained.

- Noise disturbance from access and egress to the premises  
The opening hours should be limited to ensure that adjacent residential premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.
- Noise disturbance from adjacent premises  
Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the proposed adjacent units shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied.

## **PUBLICITY**

Neighbours were notified and any comments received are below (in summary). A total of 8 objections and 1 blank representation form have been received.

- Parking problems
- Building work already taking place
- No need for another tea room
- Increase in anti-social behaviour
- Danger for pedestrians
- Will increase litter
- Impact on house prices

## **PLANNING POLICY**

8. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. 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)*.

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:

- (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.

## **SITE AND SURROUNDINGS**

9. The application site is located on the northern side of Leven Road, on the corner with Eamont Road and residential properties of a two-storey nature surround the application site.
10. The property itself is two storeys and was originally built as a Co-operative Retail Store. Over recent years it has had several users with the last use being a retail use, the site is currently unused, although works have been carried out by the to improve its appearance and make the building useable.

## **MATERIAL PLANNING CONSIDERATIONS**

11. The main planning considerations of this application are the principle of development, the impacts on the character of the area, amenity of neighbouring residents and access and highway safety.

### **Principle of development;**

12. Despite objections received from local residents in relation to the general store, members should be aware that there is an extant retail permission for the building and were it not for the additional elements the retail use, the flat and the tea room would not require planning permission.
13. Given the commercial nature A1 use (retail) nature of the building as a whole, no new retail floor space is being created. The principle of the additional elements is considered to be acceptable subject to saved policy GP1 of the adopted Local plan.

### **Character of the area;**

14. The application site has been vacant and in a state of disrepair for many years, the applicant has been carrying out some maintenance and building work on the property whilst the application has been under consideration.
15. Externally the proposed development makes few changes to the property, alteration such as new windows and doors have been carried out although the integrity and visual appearance of the property remains the same. The proposed ground floor use of the property will provide a more attractive and active frontage, improving the general appearance of the property.
16. The proposed development is therefore considered to be visually acceptable and will not harm the character or the visual amenities of the locality, in accordance with policy GP1 of the adopted Local Plan.

### **Amenity of neighbouring residents;**

17. The application site already has a retail use and a convenience shop could open with requiring any further planning consents. The proposed development is therefore not considered to have a significant impact on the amenity of the neighbouring residents to justify a refusal of the application.
18. Local residents have made comments in relation to anti-social behaviour, however, it is not considered that the additional uses of the flooring showroom and fitness studio would result in significant levels of anti-social behaviour.

### **Access and highway safety;**

19. Many of the objections received raise concerns in relation to increases in traffic and the worsening of parking problems in the area as a result of the development. The Highways Officers have considered the existing extant retail use that has no parking provision. The provision of off-street parking is therefore welcomed and would be available for anyone to use

as they are within the adopted Highway. The provision of 2no. cycle parking spaces is also required and can be addressed via a planning condition.

20. The Highways officers have asked for the applicant to enter into a section 278 agreement regarding the layout of the parking spaces, required fro bollards and the relocation of the bus stop can all be addressed via appropriate planning conditions.
21. It is therefore considered that the proposed development does not pose any significant threat to pedestrian or highway safety and is in accordance with policy GP1 of the adopted Stockton on Tees Local Plan.

**Residual issues;**

22. Comments have been made that building work has already commenced on the site. Whilst these concerns are appreciated, it is necessary to understand that certain elements of the proposal do not require permission and in theory a retail unit could be opened immediately. Works which are requiring planning permission are carried out at the applicants own risk and could be subject to enforcement action if deemed appropriate.
23. Issues over need for the facilities on offer is a matter from the applicant and the Local Planning Authority have no evidence to suggest that the facilities on offer are not required.
24. Objections have also been received in relation to the development effecting house prices in the area. However, this is not a material planning consideration and cannot be taken into consideration as part of the determination of this application.

**CONCLUSION**

25. The proposed development is considered to be visually acceptable and would not have a detrimental impact on the amenity of the surrounding residents or highway safety. The development is therefore considered to accord with policy GP1 of the adopted Stockton on Tees Local Plan and is subsequently recommended for approval.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

**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 Local Plan  
Regional Spatial Strategy  
Tees Valley Structure Plan**

**WARD AND WARD COUNCILLORS**

**Ward Norton North**  
**Ward Councillors M. Frankland and Mrs K. F. Nelson**