

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 NOVEMBER 2009

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

09/2143/FUL

Stoney Oak, High Grange Avenue, Billingham

Alterations to exterior to include pitched roof over existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear.

Expiry Date 30 October 2009

SUMMARY

Planning permission is sought for alterations to the exterior of the Stoney Oak building on High Grange Avenue Billingham. Changes include a pitched roof over the existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear of the site.

The initial application proposed demolition of the existing conservatory, erection of new extension/entrance area, 1.8m high timber fence/gate and new refrigeration and condenser units. This was subsequently superseded by the above proposal and had received a total of seventeen letters of objection from local residents. The comments received to the initial proposal related to noise and disturbance from refrigeration units, visual impact of refrigeration units and alterations to building, highway safety issues with new access from Vincent Road, concerns of change of use of premise to retail, loss of trees and retrospective works being carried out.

The external works are to convert the building from a Public House to an A1 Retail shop. A new access was granted planning permission in 2007 (app.ref 06/3536/FUL), and the change of use from public house A4 to A1 retail shop is permitted development under the Town and Country General Permitted Development Order.

A total of nine letters of objection have been received at present to the revised proposal. These comments relate to an increase in noise and disturbance of traffic and the proposed alterations being out of character with building and being an eyesore.

Overall, the proposed development would not have an adverse impact on the character of the building or surrounding area or adversely impact on the residential amenity of neighbouring properties or raise any significant highway safety issues and is therefore considered acceptable.

RECOMMENDATION

Planning application 09/2143/FUL be Approved subject to the following conditions

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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>27 August 2009</i>
<i>3 REV A</i>	<i>20 October 2009</i>
<i>2 REV A</i>	<i>20 October 2009</i>
<i>5 REV B</i>	<i>20 October 2009</i>
<i>6 REV B</i>	<i>20 October 2009</i>
<i>1 REV A</i>	<i>20 October 2009</i>
<i>4 REV B</i>	<i>20 October 2009</i>

Reason: To define the consent.

02. *The external finishing materials shall match with those of the existing building*

Reason: In the interests of visual amenity and to ensure a satisfactory form of development

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal is in keeping with the property and the street scene in terms of style, proportion and materials and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or raise any highway safety concerns and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles

Supplementary Planning Document Number 3: Parking Provision for New Developments

BACKGROUND

The application site was granted planning permission for Public house and managers flat in 1984 (S2171/84), with no restrictive planning conditions taking away permitted development rights to change of use of the premise.

Since then, there has been various planning applications granted permission, which consists of the following:

- 1). Display of non-illuminated direction sign 1987 (SA1323)
- 2). Externally illuminated sign and wall signs 1985 (SA1186)
- 3). Internally and Externally illuminated signs and amenity boards 1992 (92/1283/P)
- 4). Erection of various illuminated and non-illuminated signs 1997 (97/0496/P)
- 5). Area and boundary wall removal of 4no. car parking spaces to form enlarged patio 1999 (99/0767/P)
- 6). Erection of single storey extension to side 1999 (99/0999/P)
- 7). Formation of new entrance with canopy over and new pedestrian access, installation of new canopy to existing entrance and alterations to outside seating area including installation of 'Jumbrella' with integral lighting and heating and new double doors to patio area. 2006 (06/3397/FUL)-Extant permission.

- 8). Creation of new vehicular access to car park of Vincent Road with 2m high brick gate posts and close off existing vehicular access to car park with grass verge 2007 (07/2062/FUL). Extant permission.
- 9). Internal and external alterations to public house with addition of 2no. entrance canopies and smoking shelter; also new vehicular access to public house off Vincent Road. 2007 (07/2062/FUL) - Application withdrawn.
- 10). Various advertisements and signage - 2007 (07/2224/ADV) - Application withdrawn
- 11). Retrospective application for the erection of a proposed External shelter to existing public house - 2009 (08/3605/FUL)

PROPOSAL

1. The applicant seeks planning permission for alterations to the exterior of the building to include a pitched roof over existing conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear of the Stoney Oak, High Grange Avenue, Billingham.
2. The alterations to the conservatory involve the retention of the 3no. French doors within the rear elevation, the increase in width and design of the existing window within the side elevation (measuring 2.7m wide x 1.9m high) and the removal of polycarbonate sheet roof to a pitched tiled roof, which will measure 1.5m high from the eaves of this structure.
3. The new entrance doors are to be installed in the rear elevation of the building. The first being within the rear elevation adjacent to High Grange Community Centre. This will involve the installation of French doors and glazed units to each side, measuring 3.6m wide x 2.5m high with a signage board above. The new entrance features will consist of timber framed material.
4. The second entrance will be within the rear elevation of the single storey element of the premise, which is adjacent to the highway of Vincent Road. This new opening was originally approved within a previous application 06/3397/FUL, which is still an extant permission. The dimensions of the opening remain the same, however, the overall design of the entrance doors have changed and will now consist of a centrally opening door with equally sized full length glazed units, rather than French doors with narrow full length glazed units to each side.
5. The proposed bollards are to be located around the conservatory entrance area to the rear and side. They will each measure 1.2m high with a 110mm diameter, each spaced 1.5m centres from each other.
6. The other alterations involve the sealing up of existing small windows within the rear elevation, 1no. window within the side elevation adjacent to the existing detached garage (south east) and black coloured glass installed within the 5no. windows to the front elevation at ground floor, which face onto High Grange Avenue.
7. Initial plans submitted proposed demolishen of existing conservatory, erection of new extension/entrance area, 1.8m high timber fence/gate and new refrigeration and condenser units. These proposals have now been superceded by the revised proposal, due to concerns raised regarding design issues and the impact of increase in retail floorspace by the proposed extension, on Local and Neighbourhood centres as identified within the saved policies of Alteration Number One of the adopted Stockton Local Plan.
8. It is also to be noted that planning permission was granted for a new vehicular access in 2007 (06/3536/FUL) to car park from Vincent Road, which is still an extant permission.

CONSULTATIONS

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

Head Of Technical Services

I refer to your memo dated: 20 October 2009.

Reference drawing no: 4 REV B

General Summary

Urban Design has no objections.

Highways Comments

The proposed external alterations including pitched roof over existing conservatory and installation of security bollards to side and rear have no Highway safety implications therefore we raise no objections.

Landscape Comments

No comments.

Councillors

No comments received

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 pm on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Northumbrian Water Limited

NWL has no objection to the proposed development at Stoney Oak High Grange Avenue Billingham.

PUBLICITY

Neighbours were notified and comments received are summarised below with respect to the initial proposal:-

Debbie Dobson

Debbie.dobson3@ntlworld.com

To whom it may concern, I'm a local resident living near the Stoney Oak and I would like this e mail to be received as an objection to the extension of refrigeration and condenser units on the site of the Stoney Oak. My objection is because of the noise and visual effect

Keith Gee

Kgee57@googlemail.com

As a Local Resident [Gainsborough Crescent], I Object To The Above.

On The Grounds Of Noise 24hrs condensers And Visual Effects.

Also Where Have the Trees Gone

Eric Chamberlin
42 Casson Way Billingham

I would like to register an objection to the above planning reference on the following grounds.

Noise from the proposed refrigeration units, The change of appearance of the building

I would also like to register my concern on safety grounds of the proposed new entrance to this development.

J Bunn
69 Annan Road Billingham

Since the pub at the Stoney Oak site has closed I have noticed a lot of building work being carried out. I am informed this is to make way for a convenience store, since we have a row of local shops within 200 yards (approx) of this site I would like to register a protest at this use of the building. I feel it would be detrimental to the trade of these shops and they would be unable to compete and so would soon be closed.

Also as I passed the site today I saw a 'New Entrance' sign on the pavement, if this entrance is built I feel that road would see increased traffic and make it much busier and more dangerous to cross.

The set of plans I have been shown has a large number of refrigeration units added to the out side of the new building and while I do not live close enough to be affected by the increased noise many people I know who live nearby have expressed concerns.

It seems to me to be short-sighted to allow duplication of shops and businesses already available to people living in the area.

Lisa Hollinshead
Lisavholly@hotmail.co.uk

As a resident on the Greenway Estate I would like to raise my concerns and objections with regard to the proposed extension to this property for condensers and refrigeration units due to noise and also the visual effect this will have on the property.

Colin Tonks
Nathanjtonks@hotmail.co.uk

I am aware that the above has plans for condensers and refrigeration units and I feel I must strongly oppose this. It will be unsightly and out of character for the place and the constant noise from the place will be a nuisance. The idea also, that a new entrance to an already small, but busy, narrow road is unthinkable. I look forward to hearing from you in the near future.

Jimmy Hollinshead
Jimmyhollinshead@hotmail.co.uk

As a resident living next to the Stoney Oak, I have recently seen plans to build an extension to this site. This extension is to house condensers and refrigeration units. As a resident I am concerned about the noise from these units and also the visual impact. Please accept this email as my objection to this extension on this site.

Lisa Hollinshead
Carolehollinshead@hotmail.co.uk

As a resident living near The Stoney Oak, Billingham I have concerns regarding plans for an extension to this site. The plans are apparently to house condensers and refrigeration units. I

would like to raise objections to these plans with regard to noise these units will make and also the visual impact they will have on this site.

Nicola Simpson
Nicolasimpson29@hotmail.com

I am a resident who lives nearby the Stoney Oak and I'm writing about the objection extension to the condensers and refrigerator units, I also disagree with the fence that is going around the front of the grounds as it is going to downgrade the area.

Roger Smith
Roger.smith8@ntlworld.com

Dear Sir, I am writing to express my objection to the above planning application with regard to the old Stoney Oak pub in Billingham. As a very nearby resident I was shocked to see how easily the pub could be turned into shops (which we don't need), and have now heard that they intend to build an extension on the pub garage site to house condensers and large refrigeration units, which will not only have a detrimental visual effect to the building, but also cause a noise pollution problem for local residents.

Andrea Tait
Andrea.tait@metromail.co.uk

I would like to register my objection against the extension to house condenser and refrigeration units in what was the Stony Oak public house, Billingham your ref 09/2143/FUL due to the noise and visual effects this will cause in the area. I am a local resident living close to this site.

Mrs Lynsey Cammiss
Lynseycammiss@yahoo.com

Objection against: extension to house condenser's plus refrigeration units because of noise and visual effects.

Mandi Tonks
Mandijtonks@hotmail.co.uk

Upon hearing about and then seeing the proposals for the above former public house, I am most concerned about the condensers and refrigeration units that are proposed to be installed at the above. I am a resident on this estate and am sure that this can only have a detrimental visual impact on this area. The noise I'm sure is something that has obviously not been taken into consideration. I might also mention the amount of trees that have been removed from the area and in the plans it stats that NO trees are to be removed at all!

Samantha Gill
15 Braemar Road Billingham

I wish to raise an objection to the plans that have been submitted for renovations to the Stoney Oak, High Grange site.

The visual impact of the renovated site I believe will not blend in to the surrounding area (bricked up windows, large refrigeration units etc). Also, I believe that the noise that will be generated from said renovations will impact on people around the area. I would imagine that we will be able to hear the noise more during the quieter times of the day.

Regarding the proposed new entrance from Vincent Road to the "Stoney Oak" car park could be a major hazard not only to people driving on Vincent road but also to pedestrians. If this does go ahead there will be very little space from the roundabout to the entrance then again very little space from new entrance to the turn off for Casson Way.

Gary Nicholson
Nuipainter@yahoo.co.uk

I wish to object to the proposed allowance of refrigeration units being allowed at the Stoney oak pub because of the noise levels that will be heard as I live close to this building and don't think the need for this eyesore is needed, also I don't look forward to hearing these while in bed as I work shifts.

Peter Lealman
44 Casson Way Billingham

I'm a resident at 44 Casson way I like to object to the noise from the proposed refrigeration units planned at the old Stoney Oak site and also to the appearance that would make to the building There is also another point of the access has been given from Vincent road to the old Stoney oak site, I feel it is dangerous with Westminster hospital adjacent to it to the patients and vehicles coming and going.

Comments received relating to the revised proposal, submitted on the 20th October 2009:

Patricia Ivory
Callumjtonks@hotmail.co.uk

I am objecting to the proposed installation of condensers and re Fridgeration units at the above property - they will be hugely unsightly causing a visual disturbance to the area and the noise will be a nuisance!

I am also now aware of further plans for a pitched roof over the conservatory, installation of new entrance doors to the rear and a window to the side. Erection of bollards also to the side and rear of the property.

Again, I feel I must strongly object to all the above on the grounds that the plans will continue to make the property visually unsightly and an eyesore, and not keeping to the boundaries to which it was built for, the noise will continue to be a nuisance and the increased traffic will be a disadvantage to the area if not dangerous.

Mandi Tonks
Mandijtonks@hotmail.co.uk

I am further objecting to new plans submitted for the above property for the pitched roof over the conservatory, installation of new entrance doors to rear and window to side and installation of bollards to side and rear of the property. I have previously objected to the condensers and re Fridgeration units.

The alterations will be visually unsightly, the noise will be a nuisance and the increased traffic will be detrimental to public safety.

Mr H Ayre
Madgeayre@yahoo.co.uk

Firstly, I would like to object to the plans for condensers and re Fridgeration units at the above site - these will be visually unattractive to the area and the noise will be a huge nuisance.

I object to the plans also for the above for the pitched roof above the conservatory, installation of new entrance doors to the rear, windows to the side and installation of bollards to the side and rear.

The alterations will not only be detrimental to the area, a noise pollution and the increased traffic and HGV traffic at all hours will not only be a nuisance but a danger on the small roads leading into that part of the estate.

Mrs Madge Ayre
Madgeayre@yahoo.co.uk

I would like it put on public record that I object to the condensers and the re Fridgeration units at the above property - they will be visually unsightly to the area and the noise will be a nuisance.

I am also objecting to the further proposed plans for:

1. Pitched roof over the conservatory.
2. Installation of new entrance doors to the rear.
3. Windows to the side.
4. Installation of bollards to side and rear.

These new proposed alterations will be unsightly and not keeping to original design of the building and visually ugly and I am concerned about the increased volume of traffic especially HGV traffic which I have grave concerns about.

P Carr
Paulcarr_mfc@hotmail.co.uk

I wish to object to plans submitted regarding the Re-Development of the former Stoney Oak Public House. Firstly, I find it appalling that as a local resident and Council Tax payer that I have not been informed or consulted by both the Borough and Parish Councils regarding this change of use. This shows a complete lack of consideration for the residents who live within the community with regards to the facilities we require. We are well served by the adjacent row of shops owned by residents how reside on the estate, I strongly suspect that the existing services provided will find it difficult to survive with the unwanted

Colin Tonks
Nathanjtonks@hotmail.co.uk

Last week I objected to the proposed condensers and re Fridgeration units at the above property.

Please accept my objections for:

- Pitched roof over the conservatory.
- Installation of new entrance doors to rear.
- Windows to side.
- Bollards to side and rear.

The new alterations will further alter the appearance in a negative way, the noise volume will still be increased and a major concern would be volume of traffic adding to an already busy small road possibly leading to accidents.

Sharon Bowman
sharonbowman2450@hotmail.com

Firstly I want to object to the proposed plans for condensers and refrigeration units at the above premises. They will be visually unsightly, an eye sore, and the noise will be a nuisances.

Secondly I am objecting to;

- A. the pitched roof over the conservatory
- B. installation of new entrance doors to the rear and a window to the side.
- C. the erection of bollards also to the side and rear of the property

I am concerned the increased traffic and heavy traffic to site will be of great concern. the appearance the property will be not within keeping to the purpose it was built. The new plans for these premises I feel are detrimental.

Chris hunt

chrishunt8@hotmail.co.uk

To whom it may concern I wish to object to plans submitted with regards to the Stoney Oak I'm a local resident I object to condensers and re Fridgeration units pitched roof over conservatory installation of new entrance doors windows to rear and side bollards to rear and side I object to submitted plans because of increased traffic and parking issues the visual effect appearance and noise these changes will have.

Karen Hunt
karen.hunt68@talktalk.net

To whom it may concern I wish to object to plans submitted with regards to the Stoney Oak I'm a local resident I object to condensers and re Fridgeration units pitched roof over conservatory installation of new entrance doors windows to rear and side bollards to rear and side I object to submitted plans because of increased traffic and parking issues the visual effect appearance and noise these changes will have.

PLANNING POLICY

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 is the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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 a large detached public house located within a corner plot, adjacent to main highway of High Grange Avenue (north) and Vincent Road (east). To the east adjacent to Vincent Road, there is a large residential nursing home known as Westminster House. The application site is accessed from the rear car park and from the adjacent highway of Casson Way (south).
10. The surrounding area is predominately residential to the north, with High Grange Community Centre located to the south east perimeter of the site, large car park area to the

rear, which backs onto residential flats located at Axbridge Court, which are approximately 52.0 metres away from the rear elevation of the host premise. There are also a parade of shops located at Casson Way (south), which consist of various uses such as A1 General Dealers, Hairdressers and A5 (Fish and Chip Shop).

11. These shops are not identified for protection within the adopted saved policies of Alteration Number One of the Stockton Local Plan as a local or neighbourhood centre; however they are noted to provide local services for the High Grange Community.

MATERIAL PLANNING CONSIDERATIONS

12. The primary consideration in regard to this application is the principle of development, the impact of the alterations on the character of the building and surrounding area, street scene in terms of scale and materials; the potential impact on the amenity of neighbours; and highway safety issues.

Principle of development:

13. The application site is located within the limits of development as identified within the adopted Stockton Local Plan. The site has no specific designation and therefore Saved Policy GP1 is applicable to this application.
14. The Premises has the benefit of permitted development rights under the Town and Country Planning General Permitted Development Order and planning permission is not required for a change of use from Public House (A4) to a shop (A1). With respects to the subdivision of the premise into three separate A1 retail units, as illustrated within the proposed plans, this also does not require consent as the subdivision of a building As a result of the Housing and Planning Act 1986, and Article 4 of the amended GPDO, planning permission is not required for the sub-division of premises other than dwelling houses, provided that both the existing and proposed uses fall within the same use class.
15. Therefore, the only material planning considerations to be considered relating to this application are the external appearance of the development, effect on amenities of occupiers nearby, provision of satisfactory access and parking arrangements and the desire to reduce opportunities for crime.

Character and Street Scene:

16. General improvements and maintenance to the property do not require planning permission, such as internal works and minor demolition of existing external structures. However, the installation of black coloured glass within the front ground floor existing windows and the alterations to the rear elevation, which include new fenestration, a pitched roof over conservatory and installation of bollards to the rear and side require planning permission. These proposed works are considered to be compatible with the character of the host building and surrounding area and maintains the existing commercial appearance, associated with the present use of the building.
17. On this basis, it is considered that the proposed alterations to the building are acceptable as they do not alter the character of the building or have a detrimental impact on the character of the surrounding area. t

Residential Amenity:

18. In terms of the impact of these alterations on the residential amenity of the surrounding properties, the new window and entrance doors are positioned a significant distance away of 50 metres from the nearest residential properties to the South and 70 metres to the Nursing Home to the East.
19. The Environmental Health Unit has no objection to the application subject to a planning condition being imposed on the development relating to construction times. This is deemed reasonable and has been secured by planning condition on the approval notice.
20. With the above controlling conditions and as the premise is an existing commercial use, it is considered that the proposed development would not result in a greater intrusion or have unacceptable adverse impact on the residential amenity of nearby residential properties in terms of noise and disturbance to be sufficient, warrant a refusal of application on these grounds.

Highway Safety:

21. The Head of Technical Services raises no objection with respects to the proposed external alterations including pitched roof over existing conservatory and installation of security bollards to side and rear, as these developments have no Highway safety implications.
22. Planning permission was granted in 2007 (06/3536/FUL), for a new access from Vincent Road into the car park of the site, and can be lawfully implemented
23. The development therefore does not raise any highway safety concerns.

Residual Issues:

24. As indicated above the impact of the change of use of the public house to retail on the local shops nearby cannot be taken into consideration in determining this application,
25. Concerns regarding loss of trees can be addressed in stating that these trees were not protected by a Tree Preservation Order, therefore, no enforcement can be taken against the applicant.
26. With respect to the works being carried out without the benefit of planning permission, the applicant was made fully aware that any works carried out was entirely at his own risk and if the application was refused planning permission, he could be subject to enforcement action by the Local Planning Authority.

CONCLUSION

27. Each planning application must be judged on its own merits. Having regard to the particular merits of this application, it is not considered that the proposed alterations would have a significant impact upon the character of the building or surrounding area and amenity of adjacent neighbouring properties subject to controlling conditions or raise any highway safety concerns. Whilst the concerns relating to the proposed change of use to retail are appreciated, the change of use has the benefit of permitted development rights and the issue cannot be taken into account in considering this application.
28. Therefore, the proposal is considered to be in accordance with Saved policy GP1 of the adopted Stockton on Tees Local Plan

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Fahim Farooqui Telephone No 01642 528558**

Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As report

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

99/0767/P, 06/3397/FUL, 06/3536/FUL and 07/2062/FUL

WARD AND WARD COUNCILLORS

**Ward Billingham North
Ward Councillor Councillor Colin Leckonby**

**Ward Billingham North
Ward Councillor Councillor Hilary Aggio**

**Ward Billingham North
Ward Councillor Councillor Apedaile**