

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**2 November 2011**

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

**11/2168/COU**

**26 and 28 Northcote Street, Stockton-on-Tees,  
Application for change of use of 26 and 28 Northcote Street from glazing retail and  
warehouse to A1 retail unit (including replacement of shop front)**

**Expiry Date 7 November 2011**

**SUMMARY**

Approval is sought for the change of use of 26-28 Northcote Street from a glazier's warehouse, with an ancillary element, to a general dealer which is an A1 retail use. Ten objections largely relating to the need of the proposal, parking and highway safety have been received. One further letter of concerns regarding the accuracy of the submitted information has been received. To support the application a petition has been submitted by the applicant.

The application site is located outside any of the defined retailing centres. A previous application for change of use to allow approximately 280 squared metres of A1 retail floor space at 26- 30 Northcote Street was refused on the grounds that the applicant had failed to demonstrate that there were no suitable units available within the defined centres and had not provided acceptable justification for the development being located out of centre. Therefore the proposal was considered inappropriate as it would adversely impact upon the vitality and viability of the existing defined retail centres contrary to policy S15 of the Stockton on Tees Local Plan Alteration Number one.

This application reduces the size of the application site (removing number 30 Northcote Street from the application) and the applicant has agreed to enter into a legal agreement to ensure that the shop which is currently in the ownership of the applicant at 36 Northcote Street ceases trading and is returned to a residential use (subject to a change of use application) before this application if approved could be implemented. As there is an existing ancillary retail element at the application site and taking into account that the existing shop (No. 36) will be returned to a residential use it is considered that the size of the proposal has now been significantly reduced so that it will not adversely impact upon the vitality and viability of the existing defined retail centres. The proposal is considered to be in accordance with policy S15 of Alteration Number one to the Local Plan.

Taking into account the existing commercial use of the application site, the Head of Technical Services raises no objections to the proposal in terms of highway safety.

## **RECOMMENDATION**

**That Planning application 11/2168/COU be Approved subject to the applicant entering into a Section 106 agreement in accordance with the Heads of Terms below and the following conditions and informative**

## **HEADS OF TERMS**

1. The Owners covenant with the Council not to commence the Development of the Site until a planning permission for the change of use of 36 Northcote Street to residential use has been implemented and substantially completed.
2. The Second Owner covenants with the Council that prior to the Commencement of Development of the Site in accordance with the Permission an application for the change of use of 36 Northcote Street to a residential dwelling shall be submitted for approval and substantially completed.
3. The Second Owner further covenants with the Council that following the Commencement of Development of the Site 36 Northcote Street shall not be used other than as a residential dwelling.

**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>
<b>SBC0001</b>	<b>12 September 2011</b>
<b>1</b>	<b>12 September 2011</b>
<b>1A</b>	<b>12 September 2011</b>

**Reason: To define the consent.**

**02. The use hereby approved shall not operate outside the hours of 09:00 and 21:00 Monday to Thursday, 09:00 and 18:00 Friday and Saturday and 09:00 and 12 Noon on Sundays and bank holidays.**

**Reason: In the interest of amenity of neighbouring properties**

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

**Reason: In the interest of the amenity of neighbouring residential properties**

## **INFORMATIVE**

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as it will not adversely impact upon the vitality and viability of the existing defined retail centres, it is in keeping with character of the area and will not lead to any significant loss of amenity for the residents of the neighbouring properties or any significant impact upon highway safety and there are no other material considerations which indicate a decision should be otherwise.

Stockton on Tees Local Plan

S15 Small Scale Shopping Outside Retail Centres

SPD3: Parking Provision for New Developments

## **BACKGROUND**

1. A previous application for change of use to allow approximately 280 squared metres of A1 retail floor space at 26- 30 Northcote Street was refused on the grounds that the applicant had failed to demonstrate that there were no suitable units available within the defined centres and had not provided acceptable justification for the development being located out of centre. Therefore the proposal was considered inappropriate as it would adversely impact upon the vitality and viability of the existing defined retail centres contrary to policy S15 of the Stockton on Tees Local Plan Alteration Number 1 (planning reference number 11/0525/COU).

## **SITE AND SURROUNDINGS**

2. The application site is an existing glazier workshop with an ancillary retail element towards the front of the property. The surrounding area is predominantly residential in nature, characterised by terraced properties, although there is primary school opposite the site and a mosque further east along Northcote Street.

## **PROPOSAL**

3. Approval is sought for the change of use of number 26 and 28 Northcote Street from a glazier's warehouse, with a small retail element, to an A1 retail unit. The proposed change of use also includes the replacement of the existing of a shop front to provide windows and an entrance door in the centre of the front elevation.
4. The proposed hours for the retail unit will be 09:00-21:00 Monday to Thursday, 09:00-12 Noon on a Friday and 09:00-18:00 on a Saturday and 09:00-12 Noon on a Sunday with 5 proposed employees.

## **CONSULTATIONS**

5. The following Consultees were notified and comments received are set out below:-

### **Head of Technical Services**

Highways Comments

Given the extant use of the building this COU is not expected to increase traffic generation therefore we raise no highway objections.

Landscape & Visual Comments

No comments.

### **Environmental Health Unit**

No objection in principle to the development, however, 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 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

## **PUBLICITY**

6. Neighbours were notified and comments received are summarised below -

N Ashraf

Parent/Governor Bowesfield Primary School

No objections providing that there will be no impact upon highway safety for the pupils of Bowesfield Primary School.

Mr and Mrs Asghar Ali

55 Yarm Road Stockton-on-Tees

Strongly object as there are existing shops in the area, the proposal will create additional delivery vans and HGV's which will put pressure on parking and highway safety and create noise for the surrounding area. Should the application be approved conditions should limit what goods can be sold and limit deliveries.

Mr and Mrs Mohammed Shafiq

16 Park Road Stockton-on-Tees

Object on the grounds of traffic and parking as there are existing parking problems within the street. This may result in safety concerns for children at the primary school, especially as there isn't a lollypop lady to serve the school. There are other units on Bowesfield Lane and Yarm Road which may be acceptable. If the application is approved a condition should restrict the sale of meat and fish.

Mr Aovais Mazhar

20 Park Road Stockton on Tees

The road is already busy with a number of existing buildings along the road which cause problems for parking in particular when there are deliveries. Furthermore it may affect the safety of children at the school on the opposite side of the road.

If this is approved a condition should be attached to restrict times of deliveries and what good can be sold to ensure that it is hygienic.

Kwong Chan

15 Whitwell Close Stockton-on-Tees

Object as there are a number of similar uses within the area, within walking distance. The proposed use will generate traffic and will therefore be dangerous for pupils at the school opposite and make the existing parking situation even worse.

A retail unit will create waste which will attract rats and mice.

Yuk Chan

34 Northcote Street Stockton-on-Tees

Object as the resident have existing parking problems and heavy good vehicles associated with the proposed use will make the situation worse. Especially given that there is a school nearby. There are similar properties within the area which serve the existing community.

Mr and Mrs Saghir

24 Northcote Street Stockton-on-Tees

sales of fresh meat will attract people from outside the area and will result in a parking problems. Deliveries will create a safety issue especially for children. The sale of meat will also create additional noise.

Mr and Mrs Ali

54 Northcote Street Stockton-on-Tees

Concerns regarding the location of the proposal in relation to the school, especially given that there is no lolly pop lady. The proposal will create additional traffic and there is no suitable parking. The proposed shop would impact upon existing business in the area.

KW Chan

32 Northcote Street Stockton-on-Tees

Object on traffic grounds, as Northcote Street is not suitable for delivery vehicles, this will also increase noise in the area. There is an existing parking problem and the proposal will make this worse. Another general dealer in the area is not needed.

Arshad Khan

61 Yarm Lane Stockton on Tees

Object on the grounds of safety for Children at Bowesfield Primary with regard to deliveries causing parking problems and additional traffic. This will also cause problems for residents parking. There are existing shops which serve the community.

D S P Hussain

27 Yarm Lane Stockton-on-Tees

Concerns regarding the information submitted as part of the supporting statement.

## **PLANNING POLICY**

7. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

The following planning policy is considered to be relevant to the consideration of this application:-

### **Saved Policy S15 of Alteration Number One to the Stockton-on-Tees Local Plan.**

Planning permission will be granted for new development or limited extensions for small scale retail use outside the Centres listed in Policy S1 provided that : -

- i) the proposal is within defined settlement limits, and
- ii) the facility is intended to serve local needs only, being of a scale appropriate to the locality and being within walking distance of residential areas, and
- iii) the proposal would not give rise to any adverse effect on the amenity of neighbouring properties or on the character of the area, and
- iv) the proposal would not adversely undermine the vitality and viability of any village shop or retail Centre as listed in Policy S1

Within major new residential and employment developments, where no similar facilities exist within reasonable walking distance, developers will be expected to provide an element of convenience retail development at a scale to be agreed by negotiation.

## **Ministerial Statement from Greg Clark**

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

### **MATERIAL PLANNING CONSIDERATIONS**

8. The main issues for consideration when assessing this application are the principle of the development, the potential impact upon the amenity of neighbouring properties, character of the surrounding area and implications for highway safety.

9. Ten letters of objection have been received to the proposed change of use. These are largely on the grounds of traffic generation and highway safety. Concerns are also raised regarding the smells generated and the noise disturbance to residents and the amount of general dealers in the area.

10. A further letter has been received regarding the accuracy of the information submitted within the supporting statement relating to the alternative options which were considered. This has been investigated and it is considered that alternative locations for the proposal have been suitably assessed within the submitted planning statement.

### **Principle of Development**

11. The proposed change of use must be assessed against the relevant planning policy contained within Alteration Number One to the Stockton-on-Tees Local Plan. The application site is located outside of the defined retail centres. The proposal is therefore subject to policy S15, which relates to small-scale retail development outside of defined centres.

12. The policy states that planning permission will be granted for new development or limited extensions for small scale retail use outside the defined centres provided that:-

- i) the proposal is within defined settlement limits
- ii) the facility is intended to serve local needs only, being of a scale appropriate to locality and being within walking distance of residential area, and

- iii) the proposal would not give rise to any adverse effect on the amenity of neighbouring properties or on the character of the area, and
- iv) the proposal would not adversely undermine the vitality and viability of any village shop or retail centre as listed in Policy S1

13. Although the concerns regarding need raised by residents are noted, competition between A1 retailers is not a material planning consideration and as such cannot be considered when assessing this planning application. The proposed use will replace the existing retail unit at number 36 Northcote Street and will therefore not result in any additional retail units. Furthermore it is considered to be of a relatively small scale (taking into account it will replace number 36 Northcote Street) and is considered to be an appropriate location for an A1 shop within the borough, to serve the local community. As such it is considered that the proposed change of use satisfies criterion ii) of policy S15

14. Policy S15 requires that the impacts upon the vitality and viability of the nearby Yarm Lane Neighbourhood Centre are considered. The previous application (which was refused) included 26-30 Northcote Street, as such the application site has been significantly reduced in size. The proposed application site has a retail floor space of 160 squared metres (with number 30 Northcote Street providing a kitchen with warehouse for storage). The applicant states that the proposal will allow the general dealers at 36 Northcote street to relocate and has agreed to sign a section 106 agreement to ensure that the retail use at number 36 Northcote street to cease operation. As such this will result in a loss of retail floor space of approximately 48.9 squared metres at number 36 Northcote Street and a net increase of 111.1 squared metres of additional retail space on Northcote Street. As there is an existing retail element within the glazier's workshop/warehouse and that the proposed use will be to predominantly serve the local community it is considered that the proposed change of use would not result in a significant impact upon vitality or viability of the defined local retail centres nearby. As such it is considered that the proposal is in accordance with policy S15 of Alteration number one to the Local Plan.

### **Amenity of neighbouring properties**

15. Given the commercial nature of the existing property, which consists of a glass workshop with a retail element and the adjacent uses within this section of Northcote Street, it is not considered that the proposed change of use would worsen the existing situation in terms of noise and disturbance given the existing level of vehicle and pedestrian movement to the area. The proposal includes alterations to the shop front and given the scale and nature of the proposed alterations it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring properties in terms of overlooking or appearing overbearing.

16. The Environmental Health Manager has recommended a condition on hours of operation for construction which is included in the recommendation as condition 3. The proposed hours of operation of the retail use are 09:00-21:00 Monday to Thursday, 09:00-12 Noon on a Friday and 09:00-18:00 on a Saturday and 09:00-12 Noon on a Sunday. Condition 2 is recommended to control the hours of opening of the proposed retail use to protect the amenity of the nearby residential properties.

### **Highway Safety**

17. The ten objections received regarding this application refer to concerns regarding access and highway safety. There is no incurtilage car parking associated with this property, however the existing property is commercial in nature. The Head of Technical services has commented that, given the extant use of the building this change of use is not expected to increase traffic generation therefore no highway objections are raised. As such it is considered that the proposal will not have any material adverse impact upon highway safety.

## **Residual Matters**

18. With respect to other concerns raised by neighbouring residents regarding vermin and noise disturbance these are not planning considerations and are dealt with separate legislation;

## **CONCLUSION**

19. It is considered for the reasons outlined above that the proposed change of use will not result in a detrimental impact upon the vitality and viability of the nearby Local defined retail centres, the amenity of neighbouring properties, the character of the surrounding area or highway safety. The proposal accords with policy S15 of Alteration Number one to the Local Plan and is therefore considered to be acceptable subject to the completion of the Section 106 Agreement.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Miss Helen Turnbull Telephone No 01642 526063**

## **WARD AND WARD COUNCILLORS**

**Ward** Parkfield and Oxbridge  
**Ward Councillor** Councillor M Javed

**Ward** Parkfield and Oxbridge  
**Ward Councillor** Councillor David Rose

## **IMPLICATIONS**

**Financial Implications:** As Report

**Environmental 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

### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

### **Background Papers:**

11/0525/COU

Application for change of use from glaziers to general dealers and installation of new shop front  
26 - 30 Northcote Street Stockton-on-Tees