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## Appeal Decision

Site visit made on 6 August 2012

by **Mrs K.A. Ellison BA, MPhil, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 August 2012

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**Appeal Ref: APP/H0738/A/12/2174879**

**Shopping Centre, Greenside, Lowfields, Stockton-on-Tees, TS17 0RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Jagpal against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 11/3179/FUL dated 19 December 2011 was refused by notice dated 14 February 2012.
  - The development proposed is the construction of a two storey extension to accommodate a laundrette and dry cleaners.
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### Decision

1. The appeal is allowed and planning permission is granted for a laundrette and dry cleaners at the Shopping Centre, Greenside, Lowfields, Stockton-on-Tees in accordance with the terms of the application, Ref 11/3179/FUL dated 19 December 2011, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Although described as a laundrette, correspondence between the Council and the Appellant's agent clarifies that the proposal would be in the form of a manned operation rather than providing independent access to coin operated machines. It would also include an over the counter dry cleaning service. I have therefore described the proposal in the same terms as the Council, since it provides a more accurate description of the development proposed.

### Main Issue

3. The main issue is the effect of the proposal on highway safety.

### Reasons

4. Lowfields neighbourhood centre is a small precinct of retail units surrounded by modern residential estates. The proposed extension would be situated to the rear of the centre and would, in essence, be an in-fill of an open corner to the rear of two existing units which sit at right angles to each other. However, unlike the other units in the precinct, the only public access to this unit would be from the rear service area.
5. The entrance to the proposed unit would be situated on the southern elevation, opening onto a short length of the service area which provides access to the rear of some of the units. To reach the entrance, customers would need to cross the service area, either from the additional parking bays to be created around the south eastern edge or from the various footways around the

precinct and along this part of Greenside. I appreciate that the access arrangements would be of a lesser standard than those provided for the units to the front. However, the number of service vehicle movements associated with the precinct is likely to be quite limited so that the arrangements would not give rise to an undue degree of conflict between pedestrians and delivery vehicles. Also, given the size of the proposed unit and the availability of parking elsewhere in the precinct, it seems to me that demand for these spaces would not be so excessive as to give rise to indiscriminate parking on the adjacent highway.

6. As such, I conclude that the proposal would not be prejudicial to safety and I find no conflict with core strategy policy CS3 which, among other things, expects new development to be designed with safety in mind.

#### **Conditions**

7. A condition setting out the approved plans is necessary for the avoidance of doubt and in the interests of good planning. A condition relating to materials is needed to ensure the development is of satisfactory appearance. The suggested condition concerning provision of the parking bays is reasonable insofar as it relates to road safety but, given the limited nature of the works involved, I consider that the further requirements relating to materials have not been adequately justified. Due to the relationship with the service area, details of waste storage and collection arrangements are necessary to ensure the development is satisfactory in this respect. Given the relationship of the site to residential properties in Greenside, conditions to control opening hours, deliveries and hours of construction are necessary to protect the living conditions of residents. The condition relating to provision of telescopic bollards is required in the interests of road safety.

#### **Conclusion**

8. For the reasons given above, I conclude that the appeal should succeed.

*K.A. Ellison*

Inspector

**Schedule to Appeal Ref: APP/H0738/A/12/2174879:**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1118/005B, 1118/006A.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) The development shall not be occupied until space has been laid out in accordance with drawing No 1118/006A for eight parking bays.
- 5) No development shall take place until full details of arrangements for the storage and collection of waste have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, prior to the development being brought into use.
- 6) The use hereby permitted shall not be open to customers outside the following times: 08.00-18.00 Monday to Saturday and not at any time on Sundays or Bank Holidays.
- 7) No deliveries shall be taken at or despatched from the site outside the following times: 07.00-18.00 Monday to Saturday and not at any time on Sundays or Bank Holidays.
- 8) No construction works shall take place outside the following times: 08.00-18.00 Mondays to Fridays and 09.00-13.00 on Saturdays and not at any time on Sundays or Bank Holidays.
- 9) The telescopic bollards as shown on submitted plan No 1118/006A shall be installed and operational before the development hereby permitted is brought into use and the bollards shall be retained and maintained thereafter.