

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
23 OCTOBER 2013**

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

13/2061/COU

**33 Falcon Court, Preston Farm Industrial Estate, Stockton-on-Tees
Change of use from A3 to A1 (Hairdressing Salon)
Expiry Date 8 October 2013**

UPDATE REPORT

In addition to supporting information reported in the main report the applicant has submitted a further supporting document from the owner of the application site which states that the property has been vacant since March 2012. The submitted letter details that the property has been continually marketed throughout this time on the radio, in the press and on the owners website. The applicant states that this provides further justification for the proposed change of use as it will bring back into use a vacant building. Accordingly the applicant considers that this means the application is similar to an application which was allowed at appeal for 373 Thornaby Road which sought a change of use from A1 to A5 (planning reference 11/0650/FUL) which is a site that is also located outside of the defined retail centres. A request has also been made by the applicant that the application be deferred to allow consideration of these matters.

Whilst the request to defer the application is noted, it is not considered necessary to do so as the points raised are not considered to fundamentally alter the material planning considerations set out within the original report to members of committee and that those matters raised by the applicant can be adequately considered and addressed through this update report.

Comparison with 373 Thornaby Road:

Although this application was refused contrary to recommendation, in considering the application for 373 Thornaby Road the officers report set out that as the that property had been marketed for 5 years with limited interest in an A1 use it was in accordance with policy S17 of Alteration Number One to the Local Plan.

Part of the argument surrounding that particular application was based on there being no other premises available within the Thornaby catchment area. Whilst, alternative sites in Stockton may have been available, it was considered that the need for the A1 facility no longer existed and was no longer viable. Furthermore, there remained alternative shopping facilities along Laburnum Avenue and Thorntree Road. As a result, given the location and circumstances of 373 Thornaby Road, the requirements of saved policy S17 were considered to be met. Furthermore, it was considered that the retention of a vacant unit offered little to the vitality and viability of the area and in view of the criteria of policy S17 being met, significant weight was given to the reuse of the existing premises.

Therefore on balance in recommending approval for 373 Thornaby Road it was considered that the criteria of saved policy S17 would outweigh those under national planning guidance and saved policy S14 in terms of locating uses within centres.

However, it should be noted that policy S17 specifically relates to the loss of retail uses outside the defined retailing centres. A fundamental difference is that the proposal does not result in the loss of a retail use (as the application site currently is an A3 use) but rather that it will create new out-of-centre retail floor space. Therefore, Policy S17 is not relevant when assessing this application and the relevant planning policy considerations remain as set out within both the NPPF and policy CS5 of the Core Strategy, as has been outlined within the main report to members of committee.

Whilst the length of time that the application site has been vacant is noted, the circumstances of the current application are considered to be different of those of 373 Thornaby Road for the reason outlined above. As discussed in the main report the application site is considered to be an unsustainable location and given the creation of new retail floor space, it is considered that there are existing vacant units available in more sequentially preferable sites.

Consequently it remains the view of officers that despite the view of the applicant and the recently submitted information, the length of time the unit has been vacant would not outweigh the conflicts with established planning policy in terms of the impact on the vitality and viability of the defined retail centres nor would it overcome the concerns regarding the sustainability of the site.

For clarification a plan showing the location of the application site is attached.

CONCLUSION

That the application be determined in accordance with the recommendation and the reason for refusal as detailed within the main report.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

WARD AND WARD COUNCILLORS

Ward Parkfield And Oxbridge

Ward Councillor Councillor M Javed & Councillor David Rose

IMPLICATIONS

As detailed in the main report



