

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 November 2017

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT**

17/1155/FUL

**Unit 1, Sandgate Park Shopping Centre, Bancroft Drive
Proposed shed to rear.**

Expiry Date 8 November 2017

SUMMARY

Planning permission is sought to erect a metal shed within the rear yard that serves Unit 1 (Fix It DIY) within Sandgate Park Shopping Centre. This yard to the rear (north) of the shopping parade is linear in nature as it serves the other units within this centre (see Appendix A).

Originally this application sought permission for a container at approximately 2.2 metres in height which has been revised to implement a metal shed at a length of approximately 3.3 metres and the overall height has been reduced to a pitched roof of 1.98 metres; the eaves at approximately 1.82 metres. This is to be sited to the rear and within the yard of unit 1. The shed is to allow bulky items in association with the business to be stored which would otherwise be difficult to be stored within the retail unit itself i.e. long planks of timber wood and bags of cement/concrete.

Three objection letters were received which raised a number of concerns with one of the main points relating to the appearance of the container that would not be appropriate to the character of the area. Such points were considered and the applicant has amended the overall design of the scheme. Consequently neighbours were re-consulted on the revised proposal in which one further objection was raised with a number of comments which also included the design not being appropriate to the area.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact on neighbours or the character of the area. Additionally, there are no planning policies which would render the application unacceptable and it is therefore recommended that the application be approved.

RECOMMENDATION

That planning application 17/1155/FUL be approved subject to the following conditions and informative below;

01 *Time Limit*

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 *Approved Plans*

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
SBC0001	28 April 2017
SBC0002A	3 October 2017

Reason: To define the consent.

03. Materials

Notwithstanding the submitted information, the external finishing materials and colours of the hereby approved shed shall be submitted to and be agreed in writing with the Local Planning Authority. The shed shall be constructed in accordance with those agreed materials thereafter.

Reason: To safeguard the visual amenities of the area.

04. Hours of use

The hereby approved shed shall not be used outside the hours of 08:00 - 19:00 Monday to Friday and 9:00 - 18:00 on Saturday and Sunday.

Reason: To protect the amenity of neighbouring residential properties.

05. Use Restriction

The hereby approved shed shall be used solely for ancillary storage to the A1 Retail unit and shall not be used to store hazardous substances or chemicals.

Reason: In order that the Local Planning Authority may retain control in safeguarding the amenity of nearby residential properties.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

SITE AND SURROUNDINGS

- 1. This application site relates to an end commercial premise at Unit 1, Sandgate Park Shopping Centre within Ingleby Barwick. The commercial parade has been completed recently and to the rear (north) is a yard area that access can be gained from each individual premise.**
- 2. Adjoining the premise to the application to the east is Unit 2 and to the south is the car parking area that serves this commercial area. To the west and north (beyond the yard area) is the highway followed by residential properties.**
- 3. The measurement of the boundary from this internal yard area is approximately 1.85 metres in the main height which increases to about 1.92 metres when taking into account the brick pillars.**

PROPOSAL

4. This application seeks planning permission for a proposed shed to the rear of the unit. The revised development would now measure approximately 3.33 metres x 1.58 metres in floor area x 1.98 metres in overall pitched roof height. A single door would be installed the proposed eastern elevation to allow for access.
5. The description has been changed from a storage container to a shed to reflect the correct nature of the works and neighbours were re-consulted on this change.

CONSULTATIONS

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

Councillors

No comments were received.

Highways, Transport & Design

(Most Recent Comments):

There are no highway objections to the siting of the proposed container.

PUBLICITY

7. Neighbours were notified and a total of four objections (two from the same address) were received from the following addresses in relation to the original consultation and consultation in relation to the revised scheme with the main points summarised below.
8. The full details of the objections can be viewed online at the following web address <https://www.developmentmanagement.stockton.gov.uk/online-applications/>

Objection letters were received from the following:-

5 Bancroft Drive, Ingleby Barwick
Crystal Galleries, Edwards House, 2 Westerby Road
8 Bancroft Drive, Ingleby Barwick

Objection comments relates to:

- More storage space will increase the number of customers which will further exacerbate levels of indiscriminate car parking
- The applicant should have considered larger commercial units
- Would encourage rats
- Out of character to the area
- Increase in anti-social behaviour
- Would create a potential fire hazard
- Impact upon a view
- Query over whether proposal will fit
- Concerns of noise it would generate

PLANNING POLICY

9. 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. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [17/1155/FUL] the authority shall have regard to a) the provisions of the

development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

10. Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Local Planning Policy

11. The following planning policies are considered to be relevant to the consideration of this application.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are the impacts on the character of the area, the amenity of neighbouring occupiers and implications for highway safety.

Character of Area

13. Neighbouring comments originally raised concerns over the visual appearance of a storage container that would not be in keeping to the modern style of the shops or surrounding area. The scheme has since been revised to reduce the overall proportions and change the nature to a commercial shed as opposed to an industrial looking container. However, a further objection was received commenting that the proposed shed would still not be in keeping with the overall design of this shopping parade.
14. The proposal has increased the overall length and further reduced the width so that this would be sited approximately 0.8 metres away from the internal face of the boundary treatment. Whilst the length has been increased, the measurements have been taken on site and this 3.3 metre length would fit due to the curved nature of the yard. The height has also been reduced to 1.98 metres (previously about 2.2 metres in height) to come more in line with the height of the boundary treatment and be approximately 0.13 metres above the timber element of the

boundary. As such it is considered that only limited views would be achieved to the development in which the immediate footpaths are sited at a lower ground level with views predominantly from the street scene looking up towards the development and this is considered to further reduce the direct views that would be achieved.

15. The roof style would also mean the development pitches away from the boundary which is considered to help reduce the overall massing; the eaves height of the development would be approximately 1.82 metres. The shape of the roof is also considered to be acceptable for this unit and is not considered to create an incongruous feature to the surrounding area.
16. Nonetheless, a condition has been attached to ensure the external materials are agreed prior to being constructed on site. The development is therefore not considered to adversely harm the character of the street scene or main commercial building, as to warrant a reason for refusal.

Amenity of Neighbouring Properties

17. Due to the siting and nature of the development, it is not considered to adversely impact upon privacy and amenity for the residents of neighbouring properties. The existing boundary treatment is considered to screen views when accessing the unit and its siting away from neighbouring properties means it is not considered to create an adverse overbearing or overshadowing impact.
18. With regards to the concerns with noise, such issues were informally discussed with the Environmental Health Unit, in which was confirmed that restricting the use of the unit to when the premise is open would be sufficient to not significantly increase noise levels. A condition has therefore been attached in this respect to ensure noise is not generated during unsociable hours and allowing a set time as opposed to linking it to the current opening hours would allow future flexibility should the business need to change their operating hours. This is considered to be acceptable with regards to amenity and as the development is to be ancillary to the main unit, this is considered to be acceptable as to not to warrant any further form of restriction.

Highway Safety

19. The Highways, Transport and Design Manager has not raised any objections to the proposed siting of the development.
20. Comments from neighbouring properties have pointed out that additional storage would result in additional customers and therefore a further need for car parking. However, it is not considered that the unit would generate additional retail floor space and would act only as ancillary storage to the main use. The development is to be used for storage and therefore the retail floor space of the main unit would not increase and so it is not considered to increase customer levels in this respect.
21. Further, whilst comments have raised current issues of parking outside the defined car parking of this shopping parade, this is not a matter that can be controlled by the planning department. Vehicles can park anywhere on the adopted highway but should indiscriminate car parking arise, this would be a matter for neighbourhood enforcement to investigate further. Nonetheless, this development is not considered to directly encourage indiscriminate car parking to surrounding residential properties.

Residual Matters

Requirement of Development

22. Queries have been raised over why the applicant did not get a bigger unit to accommodate storage space but the reason as to why this application has been submitted cannot be given any significant weight and has been treated on its own individual merits.

View

23. In relation to concerns expressed about impacting upon views from properties, this is not material planning consideration and has not been considered as part of the determination of the application.

Rats

24. As the development is for ancillary storage as opposed to a food outlet/ storage, it is not considered to significantly increase the levels rats. In any event such issues can be controlled by other means such as pest control.

Fires

25. It has been confirmed that the unit is to store bulky goods and without further evidence to the contrary, it is not considered that this unit would create a fire hazard. A condition has been attached to ensure only goods ancillary to the business are stored and prevent the storage of potentially volatile materials.

Anti-Social Behaviour

26. Comments have been made about the development increasing the number of 'youths' that would hang around the parade or unit. As such there could be the opportunity to climb the fence to try and break in or even to attempt to climb the roof of the premise. There is no evidence to suggest the development would increase such anti-social behaviour and matters of creating a fire or climbing the roof can be controlled and investigated further by other statutory legislation such as the Police.

CONCLUSION

27. In view of the above considerations it is considered that the proposed shed will not adversely affect the character of the surrounding area, amenity of neighbouring occupiers or highway safety and consequently the application is recommended for approval subject to those conditions set out within the report.

Director of Economic Growth and Development
Contact Officer Miss Christina Poles Telephone No 01642 526063

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor(s)	Councillor Ken Dixon
Ward Councillor(s)	Councillor Ross Patterson
Ward Councillor(s)	Councillor David Harrington

IMPLICATIONS

Financial Implications:

Not applicable.

Environmental Implications:

The visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance have been considered and addressed within the report although in this instance are not considered to have any significant impacts.

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

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010