



## Appeal Decision

Site visit made on 30 June 2020

by **Matthew Birkinshaw BA(Hons) MSc MRTPI**

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

Decision date: 4 August 2020

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**Appeal Ref: APP/H0738/W/20/3249311**

**2 High Newham Road, Stockton-on-Tees, TS19 8RQ**

- 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 C G Robinsons & Sons against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 19/2633/FUL, dated 3 December 2019, was refused by notice dated 27 February 2020.
  - The development proposed is 2no. A1 shop units adjoining 2 High Newham Road.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. A1 (barber shop) unit at 2 High Newham Road, Stockton-on-Tees, TS19 8RQ in accordance with the terms of the application, Ref 19/2633/FUL, dated 3 December 2019, subject to the conditions in the schedule at the end of this decision.

### Procedural Matter

2. The proposed development was amended during the determination of the planning application from the erection of 2 shop units to 1. I have therefore referred to the revised description of development in my formal decision above.

### Application for Costs

3. An application for a full award of costs has been made by C G Robinsons & Sons against Stockton-on-Tees Borough Council. This application is the subject of a separate decision.

### Main Issue

4. The main issue is the effect of the proposal on the vitality and viability of the High Newham Court Local Centre.

### Reasons

5. The appeal relates to a vacant parcel of land on the edge of, but within, the High Newham Court Local Centre. As part of the proposal the site would be redeveloped to provide a new retail unit for use as a barber's shop.
  6. The Council is concerned that new retail development would directly compete with existing units, which in turn would make it harder to attract future tenants. Due to the high number of vacant units and poor overall health of the centre, it is claimed that this would adversely affect its vitality and viability.
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7. However, by constructing a new, modern retail unit the appeal scheme would enhance the offer and attractiveness of the centre. It would generate additional footfall, provide opportunities for some linked trips with other nearby shops and improve the appearance of the site and its immediate surroundings. New job opportunities would also be created during the construction phase, and once the shop is open, leading to further expenditure and investment.
8. Based on the evidence provided the scheme would therefore be a positive addition to the centre that would stimulate confidence and investment in High Newham Court. Although the proposed use would increase competition locally, there is nothing to indicate that the site would be unsuitable for a small retail unit, or that the scale or catchment of the proposal would undermine the role and function of the centre. Furthermore, based on the policies referred to me by the parties, there is nothing to suggest that retail proposals within defined centres must consider need, or competition between individual operators. The provision of a barber's shop would be entirely appropriate within a local centre; a location which is intended to provide goods and services in close proximity to the communities which they serve.
9. I therefore conclude that the proposal would enhance the vitality and viability of the High Newham Court Local Centre. There is no conflict with Policies EG2 or EG3 of the *Stockton Local Plan* which seek to maintain and enhance the vitality and viability of centres and support retail uses in centres subject to the scale and catchment of a proposal and site suitability. For the same reasons there is also no conflict with paragraph 85 of the National Planning Policy Framework, which, amongst other things, states that planning decisions should support the role that centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

### **Other Matters**

10. The Council's Highways Officer confirms that sufficient parking would be available to the rear of the shopping parade and on-street to accommodate any additional demand arising from the appeal scheme. I am also mindful that the barber's shop would be accessible to local residents on foot and that not all customers would have to drive to the site. For these reasons, the proposal would not cause any material harm to highway safety or the living conditions of nearby residents from additional customer car parking.
11. Concerns have also been raised that the shop would lead to increased anti-social behaviour and allow intruders to enter neighbouring gardens. But the submitted plans show a gate that would prevent unauthorised access to the small rear yard. The building would also be set back from the boundary with the nearest residential property, thus preventing direct access to adjacent gardens. As a barber's shop the nature of the use proposed would also be unlikely to significantly increase littering, and subject to restricting opening hours would not harmfully increase noise, smell or fumes.
12. In terms of possible impacts on house prices, no information has been provided to demonstrate that the new retail unit would devalue properties nearby. I can therefore attribute these comments only very limited weight. As a modest, single storey retail unit the functional design of the unit would also be in keeping with its surroundings and would not have a harmful visual impact, subject to the appropriate use of materials.

### **Conclusion and Conditions**

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.
14. Although not suggested by the Council, to ensure that the development is carried out as approved it is necessary to list the submitted plans. For clarity it is also necessary to impose the standard time limit condition.
15. In the interests of the character and appearance of the area a condition is required for the submission of material samples for the new shop unit. Because this relates to the construction phase, the samples should be provided before development starts on the external walls and roof.
16. The interests of the living conditions of neighbouring residents necessitate conditions restricting construction working hours, opening and delivery times and the sound level of any external plant or machinery which may be required. In the interests of the character and appearance of the area and the living conditions of neighbouring residents any waste storage and collection arrangements should also be approved by the Council prior to first occupation.

*Matthew Birkinshaw*

INSPECTOR

### **Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L019071A – 001A, L019071A – 002 and L019071A – 003A.
- 3) No construction of the external walls and roof shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Construction/demolition works or deliveries shall only take place between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays. There shall be no construction activity including demolition on Sundays or Bank Holidays.
- 5) The unit hereby approved shall only be open for business between 0700 hours and 2200 hours and deliveries shall only be taken or despatched from the site between 0700 hours and 1900 hours.
- 6) The rating level of sound emitted from any fixed plant and/or machinery associated with the development at the use hereby approved shall not exceed background sound levels by more than 5dB (A) between the hours of 0700 and 2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300 and 0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.  
  
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location to be agreed with the local planning authority and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be approved in writing by the local planning authority.
- 7) Prior to first occupation of the development hereby permitted a scheme for the management and collection of waste shall be submitted to and approved in writing by the local planning authority. The waste storage and collection/management arrangements shall be carried out in full accordance with the agreed scheme.