DELEGATED

AGENDA NO
PLANNING COMMITTEE
Wednesday 6th August
REPORT OF ASSISTANT DIRECTOR OF INCLUSIVE GROWTH AND DEVELOPMENT

23/1111/COU 9 Portchester Close, Ingleby Barwick, Stockton-on-Tees
Change of use from residential (C3) to mixed use Commercial and Residential to allow for home business

Expiry Date: **13 September 2023**
Extension of Time Date: **8 August 2025**

SUMMARY

The application relates to No.9 Portchester Close, which is a substantial two storey detached residential dwelling located within an established residential area of Ingleby Barwick.

Planning permission is sought for the change of use of part of No.9 Portchester Close to be used for the sale of firearms and ammunition. The change of use would allow for a designated reception room to be used as a secured sales area. The rest of the property would remain as a residential dwelling.

Sales of firearms would be by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public. Customers would have to provide evidence of membership of shooting clubs, or being holders of Firearm or Shotgun Certificates. The business would operate only between the hours of 10:00 to 18:00 Monday to Saturday, with only one customer visiting the property at any one time, and it is anticipated that there would be a maximum of 2-3 customers per day.

The property benefits from secure storage for firearms and ammunition, and the exterior of the host property is covered by security cameras and has a 24 hour a day monitored alarm system. There are no external alterations proposed to the property, and the business would not have any external signage or indication of the type of business which would operate from the premises.

Following the consultation process there have been 52no letters of objection received. The objections relate to highway issues including increase in the volume of traffic and off-street parking, public safety, anti-social behaviour/crime, unsuitable location for such a commercial use, and impact on residential amenity by way of noise disturbance and impact on privacy. There have also been 29no letters of support received.

Given the scale of the proposed business, which would operate by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public, during daytime hours with only one customer visiting at any one time and a maximum of 3 appointments per day, the proposal is not considered to have a significant adverse impact on centre locations.

Due to the measures required to make the business safe, the pre-conceptions and connotations attached to the nature of the business proposed and the vagueness of how the business will operate, has, in the opinion of the Local Planning Authority, caused a heightened sense of fear of crime regarding the proposal which completely undermines the residential character of the area

and the perception of safety for the surrounding neighbouring residents, to their detriment. The proposal is not considered to result in a significant impact on highway safety due to the off-street parking provided on the Site.

The proposed development would therefore be contrary to Local Plan Policy SD8(3) and National Planning Policies 96(b) and 135(f) which seek development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

The application is therefore recommended for refusal.

RECOMMENDATION
Planning application 23/1111/COU be Refused for the following reason(s)

Reason One: Character
In the opinion of the Local Planning Authority, the proposed change of use would introduce a commercial use which is considered to be fundamentally at odds with the established residential character of the area due to the heightened fear of crime associated with the development. In addition, the introduction of a retail business for the sale of firearms and the associated security infrastructure required for the business is considered to erode the residential character of the area. It is considered that this would result in a discordant and inappropriate use that fails to respect the prevailing pattern of development. The proposal is therefore contrary to Policy SD8 of the Stockton-on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

Reason Two: Impact on the amenity of surrounding residents
In the opinion of the Local Planning Authority, the proposed development is considered to introduce a use which would erode the perception of safety and is therefore detrimental to the amenity of the surrounding residents. The proposed use is therefore inappropriate in a residential context and would be contrary to Policy SD8 of the Stockton-on-Tees Local Plan and paragraphs 96(b) and 135(f) of the NPPF, which seeks to ensure that development decisions to achieve safe places which are safe and accessible, so that the fear of crime does not undermine the quality of life or community cohesion.

Informative: Working Practice
The Local Planning Authority considers the submitted details unsatisfactory but fully explored whether the scheme could be modified to be considered acceptable and thereby worked in a positive and proactive manner in dealing with the planning application**.**

SITE AND SURROUNDINGS

1. The application relates to 9 Portchester Close, which is a substantial two storey detached residential dwelling located within an established residential area of Ingleby Barwick.

2. The property is set back from the highway to the front, with the front boundary treated by way of a 2-metre-high brick wall and gates. To the front of the property there is a detached 1.5 storey garage building and a substantial driveway which provides off street parking for the dwelling.

PROPOSAL

3. Planning permission is sought for the change of use of part of 9 Portchester Close to be used for the sale of firearms. The change of use would allow for a designated reception room to be used as a secured sales area. The rest of the property would remain as a residential dwelling.

4. Sales of firearms will be by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public. Customers will have to provide evidence of membership of shooting clubs, or being holders of Firearm or Shotgun Certificates.

5. The business will operate only between the hours of 10:00 to 18:00, with only one customer visiting the property at any one time, and it is anticipated that there will be a maximum of 2-3 customers per day.

6. The property benefits from secure storage for firearms and ammunition, and is fully covered by external security cameras and has a 24 hour a day monitored alarm system. There are no external alterations proposed to the property, and the business will not have any external signage or indication of the type of business which would operate from the premises.

CONSULTATIONS

7. Consultees were notified and the following comments were received.

Highways Transport & Design Manager - The Highways, Transport and Design Manager has no objection to this application.

Adequate parking for the proposed change of use, has been provided. There are no highway objections.

Environmental Health Unit - I have checked the documentation provided, have found no grounds for objection in principle to the development and do not think that conditions need to be imposed from an Environmental Health perspective.

Cleveland Police - I note the applicants 'business plan' and 'Design and Access Statement' registered on the planning portal.

I have looked at the property, where the proposed business is expected to operate from, on Google Maps. It's on the edge of a large housing development that backs onto the River Tees.

The applicant does highlight in the supporting material, that attendance to the property would be by appointment only, however, I'm not sure how that might be adequately controlled, and suspect that people might, simply turn up unannounced.

The applicant mentions that alarms in use at the property are approved by Cleveland Police, however, that statement is not completely accurate, it's the supplier of the alarms who is a member of a trade body, that is recognised by the police nationally. We recognise this fact, not endorse them or the system.

I recommend the Council reject the change of use application, because it's proposed that the business will operate from a residential property on a housing estate, which I consider inappropriate, for the type of business being considered. There is a road traffic safety element to consider too, with people unfamiliar with the location, creating additional traffic. I also fear that the nature of the business, may attract criminality to it, and therefore may represent an increased danger to the public.

PUBLICITY

8. Local residents have been individually notified of the application. Letters of objection were received from the following addresses and a summary of the comments received are set out below. 52 objections were received in total.

- 2 Portchester Close Ingleby Barwick
- 4 Portchester Close Ingleby Barwick

- 7 Portchester Close Ingleby Barwick
- 8 Portchester Close Ingleby Barwick
- 11 Portchester Close Ingleby Barwick
- 12 Portchester Close Ingleby Barwick
- 19 Portchester Close Ingleby Barwick
- 31 Portchester Close Ingleby Barwick
- 2 Lufton Close Ingleby Barwick
- 7 Lufton Close Ingleby Barwick
- 2 Ingram Grove Ingleby Barwick
- 12 Avens Way Ingleby Barwick
- 11 Goodrich Way Ingleby Barwick
- 18 Penderyn Crescent Ingleby Barwick
- 29 Port Way Ingleby Barwick
- 5 Fosse Court Ingleby Barwick
- 10 Farrier Close Ingleby Barwick
- 1 Piddington Close Ingleby Barwick
- 11 Cragside Court Ingleby Barwick
- 29 Condercum Green Ingleby Barwick
- 1 Arennig Court Ingleby Barwick
- 17 Portchester Close Ingleby Barwick
- 31 Stainforth Gardens Ingleby Barwick
- 11 Beacons Lane Ingleby Barwick
- 59 Lullingstone Crescent Ingleby Barwick
- 28 Binchester Court Ingleby Barwick
- 27 Whernside Crescent Ingleby Barwick
- 37 The Orchard Ingleby Barwick
- 6 Woodchester Grove Ingleby Barwick
- 1 Kirkbride Way Ingleby Barwick
- 12 Lufton Close Ingleby Barwick
- 8 Potto Close Yarm
- 19 Rothbury Close Ingleby Barwick
- 8 Enterpen Close Yarm
- 51 Bader Avenue Thornaby
- 15 Ickworth Court Ingleby Barwick
- 24 Cradoc Grove Ingleby Barwick
- 3 Lufton Close Ingleby Barwick
- 36 Mastiles Close Ingleby Barwick
- 20 Hillmorton Road Ingleby Barwick
- 10 Rochester Court Ingleby Barwick
- 25 Portchester Close Ingleby Barwick
- 3 Lufton Close Ingleby Barwick
- 2 Portchester Close Ingleby Barwick
- 39 Poppy Lane Stockton-on-Tees
- 5 Portchester Close Ingleby Barwick
- 39 Pembroke Drive Ingleby Barwick
- 3 Usk Court Ingleby Barwick
- 6 Portchester Close Ingleby Barwick
- 15 Rowen Close Ingleby Barwick
- 87 mulberry wynd Stockton
- 18 Stamford St Middlesbrough

9. The main concerns raised are: -

- Impact on public safety
- Increase in crime and anti-social behaviour in the area
- Increase in noise disturbance as a result of the proposed use
- Increase in on street parking pressures in the area
- Detrimental impact on highway safety
- Impact on privacy, safety and quality of life.
- Inappropriate location for commercial use

10. 29 letters of support have been received:

- 11 Keswick Grove Middlesbrough
- 5 St Lukes Avenue Thornaby
- 11 Heslop Street Thornaby
- 20 Debruse Avenue Yarm
- 2 Bamburgh Court Ingleby Barwick
- 12 Albany street Middlesbrough
- 88 Priorwood Gardens Ingleby Barwick
- 5 Camelon Street Thornaby
- 5 Cawthorne Place Wynyard
- 8 Berrington Gardens Ingleby Barwick
- 2 Duke of Wellington Gardens Wellington Gardens
- 1 Otter Way Ingleby Barwick
- 18 Portchester Close Ingleby Barwick
- 1 Chalk Walk Stockton-on-Tees
- 3 Chalk Walk Stockton-on-Tees
- 5 Chalk Walk Stockton-on-Tees
- 66 Langley Avenue Thornaby
- 72 Langley Avenue Thornaby
- 76 Langley Avenue Thornaby
- 78 Langley Avenue Thornaby
- 96 Langley Avenue Thornaby
- Flat B 36 Heslop Street
- 109 Priorwood Gardens Ingleby Barwick
- 56 Canon Grove Yarm
- 1 Cragside Court Ingleby Barwick
- 134 Mansfield Avenue Thornaby
- 2 Duke of Wellington Gardens Wellington Gardens
- 31 Northallerton Road Thornaby
- 35 Clarendon Road Thornaby

11. The main reasons for support are:

- Will not raise any safety issues
- There are no parking problems in the street
- Property benefits from adequate off street parking to serve the business operations
- Precedent has been set by a similar business being run from a residential property elsewhere in the locality
- The business will operate safely and by appointment only
- Business will comply with strict regulatory framework
- Only licensed holders will be able to use the business
- Business will operate using enhanced security measures
- Economic impact/job creation

PLANNING POLICY

12. 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 Stockton on Tees Borough Council Local Plan 2019.

13. Section 143 of the Localism Act came into force on the 15 January 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 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

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
    - approving development proposals that accord with an up-to-date development plan without delay; or
    - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

    i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

    ii. 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.

Paragraph 85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

> b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 135. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy

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

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with polices in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

Town Centres

10. Stockton Primary Shopping Frontage will be the main location for new retail development to 2032, whilst the wider town centre will be the main location for new leisure and evening economy uses.
11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
Primary Shopping Area /Town Centre	a. Stockton	The largest shopping centre within the Borough containing the Primary Shopping Area, an administrative function and evening economy.

District Centre	b. Billingham c. Thornaby d. Yarm e. Norton	District centres will generally comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.
Local Centre	See SD4.12 (below)	Centres which serve a small catchment and, typically include a small supermarket/ convenience store and a range of other small shops, services and community facilities.

12. The following locations are designated as Local Centres:

a. Billingham Green, Billingham b. Mill Lane, Billingham
c. High Grange, Billingham d. The Stables, Wynyard
e. Wolviston Court, Billingham f. Orchard Parade, Eaglescliffe
g. Healaugh Park, Yarm h. Sunningdale Drive, Eaglescliffe
i. Myton Way, Ingleby Barwick j. Elm Tree Centre, Stockton
k. Hanover Parade, Stockton l. Harper Parade, Stockton
m. High Newham Court, Stockton n. Oxbridge Lane, Stockton
o. Redhill Road, Stockton

13. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with the Sequential and Impact tests set out in Policy EG3 alongside prevailing national planning policy, having regard to the catchment area of the proposal.

16. Small scale convenience facilities which are intended to meet the needs of a neighbourhood will be permitted in suitable and available commercial premises in undesignated shopping parades, in accordance with Policy EG6.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
b. Landscape character of the area, including the contribution made by existing trees and landscaping;
c. Need to protect and enhance ecological and green infrastructure networks and assets;
d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
e. Privacy and amenity of all existing and future occupants of land and buildings;
f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

<u>Economic Growth Policy 3 (EG3) – Protecting Centres</u>

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

a. Stockton Town Centre Primary Shopping Area; then,
b. Sites within the boundaries of Stockton Town Centre; then,
c. Sites within the ground floor shopping frontages of the District Centres; then,
d. Sites within the boundaries of the District Centres; then,
e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
g. Sites within the Local Centres; and finally,
h. Sustainable out-of-centre locations within the limits to development.

2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:

a. Town and District Centres, and for office development only, Principal Office Locations; then,
b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
c. Within the boundaries of the Local Centres; then,
d. Sustainable out-of-centre locations within the limits to development.

3. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available and suitable sites or premises in sequentially preferable locations, and that a flexible approach to scale and format has been applied.

4. Town centre use proposals on out-of-centre sites, which demonstrate that the format and scale of the development means it cannot be located in a town centre location, will be the subject of restrictive conditions to protect the future vitality and viability of the Boroughs town centres.

<u>Economic Growth Policy 6 (EG6) - Small Scale Facilities</u>

1. Proposals for small-scale town centre uses and hot food takeaways designed to meet a localised catchment will be directed to defined town, district and local centres first, and then if no suitable premises are available, to existing available and suitable premises in other existing shopping parades in the catchment area of the proposal.

2. Within strategic residential, and general employment developments, where no similar facilities exist within reasonable walking distance, developers should provide new shopping, service and community facilities of a scale which meet the day-to-day needs of future occupiers, subject to taking into account the range, choice and accessibility of existing local provision.

3. Support will only be given to the development of, or change of use to, small-scale (under 150sq m) town centre uses which would meet a local need outside of defined town, district, and local centres and shopping parades where they:

a. Are of a scale and function intended to serve a localised catchment area;
b. Do not have a significant adverse impact upon the vitality and viability of any designated centre; and
c. Are situated within the limits to development.

4. Outside of town, district and local centres, development proposals for new hot-food-takeaways, betting offices or public houses, will be resisted where they result in a harmful over-concentration of those uses.

<u>Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure</u>

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality

public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are the principle of the development, impacts on the character of the area, amenity of neighbouring occupiers and highway safety.

Principle of the development

18. The Site is located within a principally residential area within the defined development limits of Ingleby Barwick, outside of the defined retail centre. Planning policies EG2 and EG3 of the Local Plan seek to protect and maintain the vitality and viability of the Boroughs defined centres. Consequently, as set out within the Policy EG3 and the NPPF, a sequential assessment should be provided to assess whether potential available and suitable premises within existing centres could be considered as alternative sites to locate the proposal. However, planning policy EG6 states that support will only be given to the development of, or change of use to, small-scale (under 150sqm) town centre uses which would meet a local need outside of defined town, district, and local centres and shopping parades where they:

    a. Are of a scale and function intended to serve a localised catchment area;
    b. Do not have a significant adverse impact upon the vitality and viability of any designated centre; and
    c. Are situated within the limits to development.

19. The business would operate principally out of a small room on the first floor of the host property, with appointments initially taking place in a reception room of the ground floor. The business would operate between 10:00 and 18:00 Monday to Saturday and would be by appointment only, with a maximum of 3 appointments per day. Over the course of a month, this would equate to approximately 90 visits. The applicant has not provided a sequential assessment, however the nearest local centre would be approximately 1.5km at Myton Way with wider district and town centres being more than approximately 2.5km as the crow flies.

20. It seems reasonable given the nature and scale of the proposal that it would not adversely impact upon the vitality and viability of the existing commercial units at Myton Way due to the limited opening hours, number of appointments per day which would not be any more than a busy residential dwelling and the specialist nature of the service it would provide. Therefore, on balance, it is considered it would be unlikely to undermine the overall vitality and viability of the defined centres. Accordingly, there is no direct conflict with the policies of the Local Plan or the NPPF and the development is considered to be sustainable in this respect and overall, the principle of development is considered to be acceptable.

Impact on Character

21. Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Whilst policy SD8 sets out that the Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the quality, character and sensitivity of the surrounding public realm. Further to this SD8(3) states that all proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

22. Cleveland Police have objected to the proposed change of use due to the type of business being proposed, citing it is unsuitable for a residential area. In addition, a number of concerns

have been raised by local residents with regards to the change of use in respect of impact on public safety, crime and anti-social behaviour.

23. It is acknowledged that the proposed business use has resulted in a heightened fear of crime from neighbouring residents in relation to public safety. It is considered that in this case the perception of fear is heightened due to the specific goods on offer, and the pre-conceptions and connotations attached to such goods.

24. It is understood that the sale of firearms is heavily regulated and monitored by the police with regard to safety by the firearms regulations and there is the requirement to be licenced by Cleveland Police who consider issues such as the safety of the building. In terms of physical alterations, the supporting statements clarify that the host building does benefit from secure storage for firearms and ammunition, external security cameras and a 24 hour a day monitored alarm system. There are no additional external alterations proposed to the host property, and the business would not have any external signage or indication of the type of business which would operate from the premises.

25. Whilst the systems already in place would not necessarily require planning permission in their own right, it is considered that the need for this level of security camera, alarm and storage system in connection with the proposed use creates the perception that the proposal is unsafe and unsuitable for a residential dwelling. In the opinion of the Local Planning Authority, the need to provide security cameras, alarms, and secure storage to this degree and to be strictly controlled by Cleveland Police only highlights the significant issues and the heightened fear of crime which is completely at odds with, and undermines the residential character of the area. It is considered that this proposal would be more suitable in a secure location away from residential areas.

26. Given the objections made to this application by Cleveland Police and the heightened fear of crime by the nature of goods on offer, it is considered that the proposal is contrary to Local Plan Policy SD8 and NPPF paragraphs 96(b) and 135(f).

Impact on Amenity

27. It is noted that within the supporting statements, the business would operate by pre-arranged appointment only to persons approved by the Police Licensing Authority, and not to the general public, with customers having to provide evidence of membership of shooting clubs or being holders of Firearm or Shotgun Certificates.

28. The business is proposed to operate only between the hours of 10:00 to 18:00 Mondays to Saturdays, with only one customer visiting the property at any one time. The supporting information submitted as part of the application states that it is envisaged that there would be a maximum of 2-3no customers per day.

29. Customers would attend a pre-arranged appointment to the host property to order from a catalogue, or from an internet website, with the main purpose of the initial and pre-arranged meeting being to view Firearm Certificates. The desired item by the customer would then be ordered by the Applicant for delivery to the host property. It is indicated within the supporting statements that deliveries would be stored at the property for a maximum of 1no day, however, in practice this is likely to be unachievable in all circumstances as it would rely on each customer travelling to the Site to collect their order within 24 hours of the product arriving at the host property, and within the proposed opening hours of 10:00 to 18:00. This would also rely on the Applicant or delivery service notifying the customer that the order had arrived and is ready for collection in a timely manner.

30. In practice, the Applicant has provision on Site to store multiple firearms, ammunition and related paraphernalia and some of the supporting information attempting to explain or justify the proposal

appears vague and at times contradictory, which when handling a planning application of this nature, it is essential to have an acute understanding of how the business is proposed to operate in order to assess and understand safety related concerns or if there is potential for the public to be at risk. It is not considered that the submission sufficiently mitigates concern from Officers.

31. This proposal, its associated documents and planning report are in the public domain. There is concern raised due to the fact that the business would be public knowledge and that there would be a high likelihood of multiple firearms and ammunition being stored at the host property at any given time which potentially could make the Site subject to being targeted by gangs or other ill-intentioned groups which is not a welcomed positioned for immediately surrounding residents.

32. Therefore, regardless of the sale of guns being strictly controlled by other legislation and cannot be controlled through the planning system and the perception of fear in this instance is considered sufficient to warrant a refusal of this application as it is considered that the proposal is contrary to Local Plan Policy SD8 and NPPF paragraphs 96(b) and 135(f).

Highway Safety

33. A number of concerns have been raised with regards to parking issues as a result of the proposed use, and subsequent highway safety implications. However, as set out earlier within the report, there will be no more than one customer visiting the property at anyone time, and this will be by appointment only. The number of appointments will be limited to a maximum of three per day, and as such there would only be a maximum of one customer vehicle at the property at any one time, and a maximum of three over the course of a day. The property can provide off street parking to accommodate this amount of customers. Furthermore, the Highways, Transport and Design Manager has raised no objection to the proposed business use. As such, it is considered that there is sufficient off street parking provision available to serve the proposed business use, and the proposal would not have a detrimental impact upon highway safety within the area.

CONCLUSION

It is recommended that the application be Refused for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Joe Port Telephone No 01642 524362

WARD AND WARD COUNCILLORS

Ward	**Ingleby Barwick North**
Ward Councillor	**Councillor Ted Strike**
Ward Councillor	**Councillor Alan Watson**
Ward Councillor	**Councillor Sally Ann Watson**

IMPLICATIONS

Financial Implications:

Environmental Implications:

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 2019

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