
APPLICATION DETAILS

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| Application No: | 22/0605/FUL |
| Location: | 15 Shelton Court, Middlesbrough, TS3 9PD |
| Proposal: | Installation of air conditioning plant within inner courtyard; and new deliveries ramp to rear |
| Applicant: Company Name: | One Stop Stores Limited |
| Agent: Company Name: | Pierre Langlois, calfordseaden LLP |
| Ward: | Brambles/Thorntree, Ward buffer = Park End & Beckfield, Ward buffer = Brambles & Thorntree |
| Recommendation: | Approve Conditionally |

SUMMARY

The application seeks planning approval for the installation of an air conditioning plant within the building's inner courtyard; and new deliveries ramp to rear.

Three neighbour objections have been received along with a signed petition, which largely refers to anti-social behaviour, litter, parking, and deliveries to the site.

The proposal is largely compliant with relevant policy in that the additions are suitably scaled and appropriately scaled ensuring any impacts on adjacent properties and any impacts on the streetscene and character and appearance of the area is minimal.

The proposal adheres to the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy CS5 and DC1).

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a detached two storey building located at 15 Shelton Court in the Thorntree area of Middlesbrough. The site is located within the designated Shelton Court Local Centre, to the northern side of The Greenway. The local centre is designed around a central car park area with the application site located to the north of the car park and two separate blocks of two storey terraced buildings located on the eastern and western side of the car park. The application site is a detached building which has open space areas to the east and west with the Brambles Business Centre and additional residential properties to the rear along

Shrewsbury Road. The application site was last used as a Dental Surgery and Initiatives Centre although is now currently vacant, but is it be utilised for use as a convenience store with retail use.

The application seeks planning approval for the installation of air conditioning units, which are to be positioned within the existing central courtyard and an access ramp to the rear.

Advertisement panels are also proposed to the front elevation which are to be placed over the existing dilapidated windows, however these works will be considered under a separate advertisement application and assessed and determined on their own merits.

With regards to the proposed retail use, this is a permitted change, that does not require planning approval. As such the air conditioning units and rear access ramp are the only elements that form part of this application and are to be considered in this case.

PLANNING HISTORY

No relevant planning history

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development

although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS5 - Design

DC1 - General Development

UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Public Responses

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| Number of original neighbour consultations | 13 |
| Total numbers of comments received | 3 |
| Total number of objections | 3 |
| Total number of support | 0 |
| Total number of representations | 3 |

Zaheer Abbas – 1 Shelton Court, Middlesbrough, TS3 9PD

The area has sufficient retail outlets to adequately provide a service to the community and done successfully for a number of years. Inevitably some all the businesses will close down

which will mean more people will lose their jobs rather than jobs created.

We do not want the grass verges to be replaced by concrete or tarmac this just brings the area to look more downtrodden than it already does.

These types of establishments attract anti-social behaviour. Are the council prepared to justify the cost of extra police resources that will be needed?

Refuse bins will be needed for by this establishment. There is no doubt that these bins will be lit on fire as this is the norm for this area if they are not lit on fire they will be scattered around the area making it unclean and unsafe. The litter of the bins will attract vermin cats and dogs again making the area more unclean.

These types of establishments also attract youths here in gangs right up until closing time making the area Moncier rising the antisocial behaviour and making people feel more Vulnerable. Parking is also an issue there isn't much space for a big chain store like this again causing more fights and more antisocial behaviour in the area.

I therefore strongly object to the planning and licensing application of 15 Shelton Court.

Lisa Teasdale – 5 Shelton Court, Middlesbrough, TS3 9PD

The reason for my appeal are as follows at the moment Shelton court is undoubtedly suffering from Asbo behaviour which we are trying to control with a passion this would also create x amount of litter we as small business owners take pride in the Thorntree community and personally clean and remove litter ourselves. Parking would be a great issue for the amount of traffic this would cause and lack of space can have an impact on existing business that are already there like myself with the use of large lorries ect.

Francis Hansen - 9 Shrewsbury Road, Middlesbrough, TS3 9LY

Another shocking decision by the Committee for given permission for this one stop shop to open at Shelton court. This will bring a lot of trouble to us residents in this area I live right out the back of it in Shrewsbury Road. It's mentioned the place will have a ramp and rear entrance. That alone would bring a lot of trouble for us residents close by. We fear gangs full of alcohol would congregate their out the back of our houses. Rubbish and delivery lorries delivering early mornings would also become a major concern. When has mentioned the staff of one life are trained to talk to unruly customers well even if the staff where armed with battons ,it would not deter in any way some of them we have round here .I reiterate nobody in the vicinity wants a one stop store round here we have a Sainsbury's / bells very nearby. I suggest the committee One Stop It Now .

A signed petition has also been received

Environmental Protection

No objections subject to the following conditions –

- Deliveries and collections to the rear of the premises must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and between the hours of 9:30am and 6:30pm Sunday.

- Collections from the refuse store must be kept between the hours of 8:00am and 7:00pm Monday to Saturday, and 9:30am to 6:30pm Sunday

PLANNING CONSIDERATION AND ASSESSMENT

Policy

The relevant policies in the Development Plan are DC1 (General Development and CS5 (Design)). Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.

With regards to AC units the Urban Design Guide states that permission will generally be granted so long as they don't materially change the appearance of the building, oversized mechanical equipment and excessive projections are avoided, units are located on secondary elevations, matching colours/materials are used and located away from other buildings.

Whilst there is no specific guidance relating to access ramps, the principles set out within the design guide seeks to achieve development that is of a scale that is appropriate to the existing building and not of an overbearing nature. Development, which would dominate the street scene, is likely to be resisted, proposals should not look out of place in the site or in the street and should enhance, not detract, from the character of the area.

Scale, Layout and Appearance

The ground floor area is to be used as a convenience store and therefore the air conditioning plant is to facilitate the store air conditioning and refrigeration components within the premises.

The air conditions units will be purely functional and fairly typical and utilitarian in their design. They are to be positioned within the existing external central courtyard and as such will be entirely screened by the existing building to any residential or neighbouring buildings and will not be visible within the streetscape. The proposed plant is of new and modern components, quiet in operation, with the benefit of being screened to all areas to avoid any form of noise disturbance during operation.

The existing deliveries route to the rear is also to be altered to provide improvements and ramp access instead of the existing stepped approach. The access ramp is again typical in appearance, will be relatively small scale in relation to overall building, is located at the rear within the constraints of the site and will not look out of place or out of keeping with the unit and its immediate surrounding which is of commercial setting.. The ramp will not be visible from any public vantage points and as such will not be detrimental to the wider streetscene. The proposals are considered to be minor additions that would have a negligible impact on the character and appearance of the surrounding area, as they will not be visible within the streetscene. The premises and surrounding area will appear largely unchanged following the works.

The proposals are considered to be suitably scaled and appropriate additions in this location which will have minimal impact in terms on appearance and character of the area in accordance with CS5 (test c) and DC1 (test b). The proposals are also compliant with the Councils SPD Guidance in that they will not materially alter the external appearance of the property and are suitably scaled and positioned away from adjacent buildings.

Privacy and Amenity

The application site is a detached building with no adjoining properties. The air conditioning units will be contained discreetly within an internal courtyard within the constraints of the site

which will ensure that there will be no significant impacts in terms of noise. Environmental Health have considered the application and raised no concerns. Whilst the proposal includes an access ramp, it is located in an inconspicuous location at the rear within the existing site boundary. Separation distances between the adjacent businesses/properties will remain unaltered and deliveries will still place at the rear of the site as they had done previously. The proposal therefore meets with the requirements of Policy DC1 (test c).

Highway related matters

No new or additional floor space will be created by the proposed works and the existing pedestrian and car parking facilities that service the centre to the front of the site will remain unchanged. The proposal is therefore considered to be in accordance with policy DC1 (test d).

Other matters

Objections have been received which have raised concerns with regards to the use of the premises and possible littering, anti-social behaviour and parking problems associated with it. These matters are not material to the consideration of this application because as detailed earlier in this report, the change of use of the premises to a retail outlet is a permitted change and does not form part of this application. In any event the issues associated with anti-social behaviour are not a material planning consideration and alternative legislation deals with this should it happen. Ultimately the objections received, relate mainly to the change of use to the premises and as such are not material or relevant to the consideration of this application.

Conclusion

In view of the above, the application is considered to be acceptable, fully in accordance with the relevant policy guidance and there are no material considerations or technical reasons, which indicate that the application should be refused.

RECOMMENDATIONS AND CONDITIONS

Approve Conditionally

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications below and shall not relate to no other plans.

- a. Proposed plans – Drawing Ref: B 201 REV B, received 6th October 2022
- b. Design and Access Statement

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed air conditioning units and rear access ramp accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and

proactive way in line with paragraph 38 of the NPPF (2018). In addition, the proposed air conditioning units and rear access ramp accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the proposed air conditioning units and rear access ramp are designed so that their appearance is complementary to the existing building and so that they will not have a detrimental impact on the amenity of any adjoining or nearby residents. The units will not prejudice the appearance of the local centre and not significantly affect any landscaping nor prevent adequate and safe access to the site. The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refuse

INFORMATIVES

None

Case Officer: Joanne Lloyd

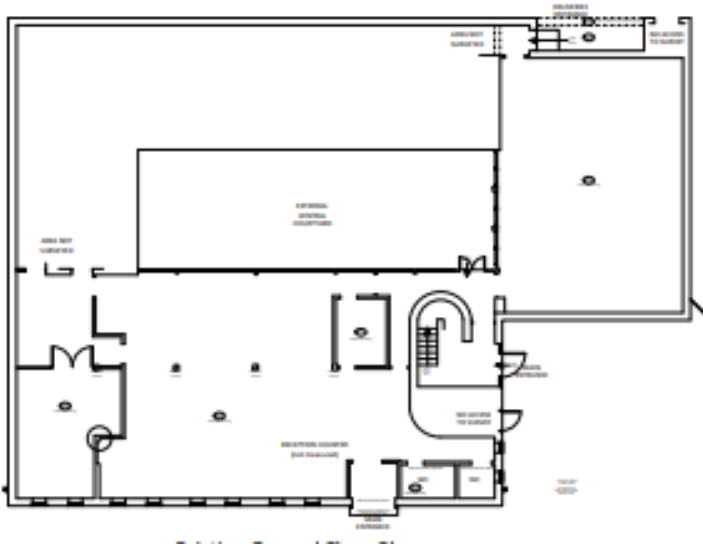
Committee Date: 11th November 202

APPENDICES

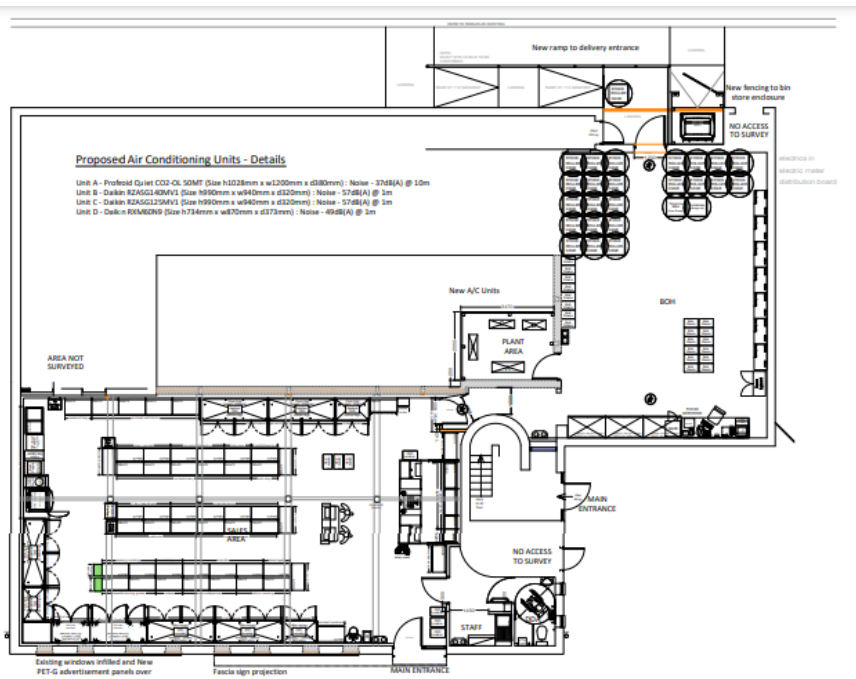
Location Plan



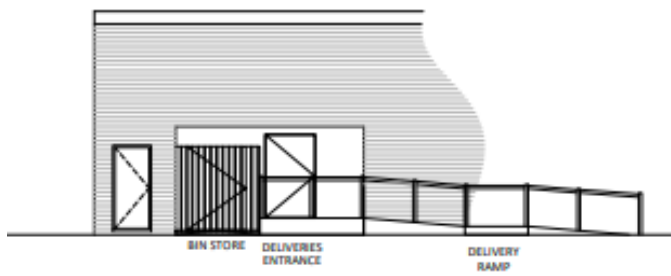
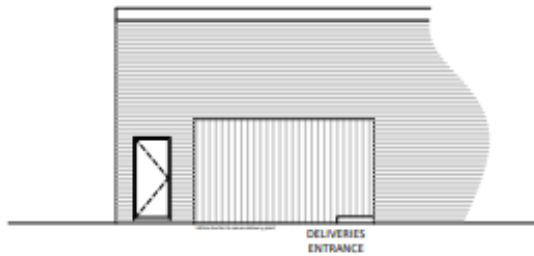
Existing ground floor plan



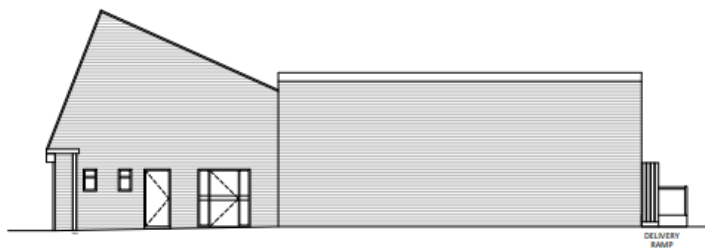
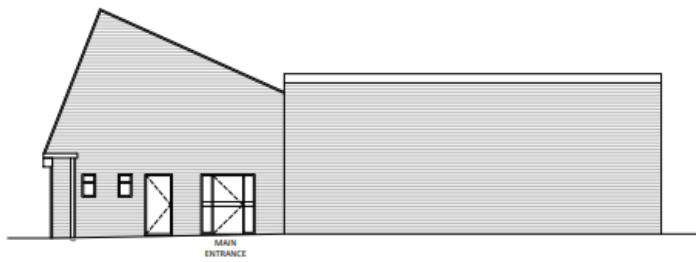
Proposed ground floor plan



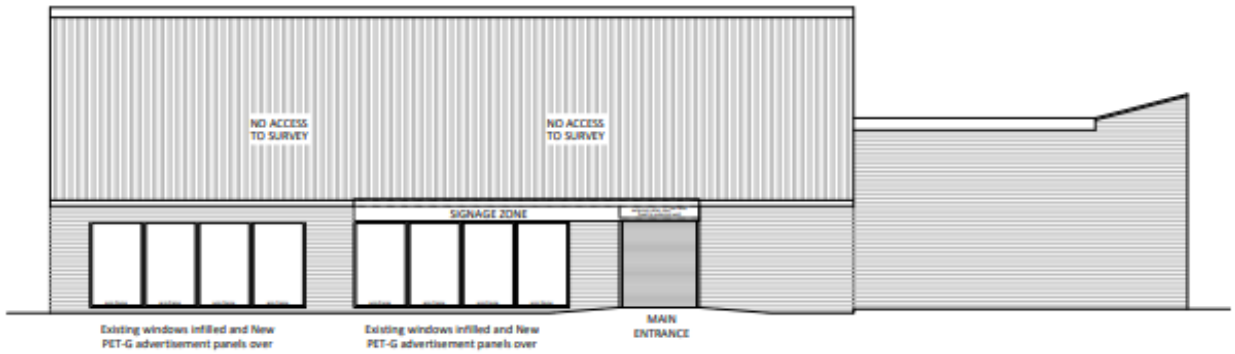
Existing and proposed rear elevations



Existing and proposed side elevations



Existing and proposed front elevations



Streetview

