

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0608/21/FUL
Proposal: Change of use to post office/convenience store use Class E.
Incorporating new shopfront and rear single storey extension with new store access.
Location: 22 and 23 Horsley Hill Square
South Shields
NE34 7HQ

Site Visit Made: 20/07/2021

Relevant policies/SPDs

- 1 DM1 (A, B, G) - Management of Development
- 2 SA5 - Retailing Opportunities
- 3 SPD6 - Parking Standards

Description of the site and of the proposals

This planning application is for the change of use of no. 22 and 23 Horsley Hill Square, South Shields to a post office/convenience store (Use Class E). This would also incorporate a rear single storey extension with and new store shopfront which would include alterations to the front elevation of the property to remove two existing UPVC windows and to provide a new aluminium shop front.

The application site is located within a parade of shops within the Local Neighbourhood Shopping Centre of Horsley Hill Square. The Post Office/newsagent is currently located at unit 19 and is proposing to relocate to units 22/23. The other shops along the parade consist of a takeaway, a vacant unit and a hairdressers. The application form states that unit 22 was St. Claire's Hospice charity shop and unit 23 was Tasty Bites hot and cold food takeaway. There are residential flats immediately above the application site and to each side. There are residential properties also to the rear of the premises; no. 1 Marsden Lane and no. 1 Lincoln Road are located closest to the parade of shops to the rear.

The application form states that the property has a site area of 124 square metres which would increase to 166.50 square metres once the rear extension is constructed. There is also no existing or proposed parking for this specific premises however there are a number of parking spaces available to the front of the parade of shops. The application form also states that waste bins would be stored at the rear of the site (as the existing situation).

Unit 22 and 23 are currently separate units and 22 hosts a rear extension which provides a WC and bin storage to the rear. The proposal is to merge the 2 no. units creating a larger unit. A single storey rear extension is also proposed which would be attached to the existing rear extension at unit 22 and would also match the dimensions of the existing extension. The proposed extension would predominantly be used for storage. The rear elevation would host a roller shutter to allow for deliveries and the side (south facing) elevation would host facing brick only. The existing rear extension at no. 22 would host an office, WC and storage area and the door located along the rear elevation would be unchanged. The proposed materials are facing brick, single ply membrane flat roof and aluminum glazed doors.

The proposal is also for a new shop front where the existing main entrance door for unit 23 would be replaced with a window and the existing main entrance door for unit 22 would be relocated. Amendments to the window arrangement/design are also proposed. The proposed materials are facing brick, aluminum glazed shop front and an aluminum glazed door to match existing.

The application form states that there would be 12 full time employees.

The proposed opening hours are 7am to 9pm Monday to Friday, 8am to 9pm on Saturdays and Sundays and Bank Holidays.

Publicity / Consultations (Expiry date: 13/09/2021)

1) Neighbour responses

2 objections received from 1 Marsden Lane and 21 Horsley Hill Square

1 Marsden Lane – I have no objections to the extension of the Post office in principle. However it would generate more delivery lorries both small and large in a narrow back lane that already has problems with delivery vans and access for cars. Most deliveries enter back lane via Lincoln Rd and leave via Marsden Lane. My property 1 Marsden Lane runs half the length of back lane.

I park my car outside the front of my property. In the last 9 months my car was involved in two accidents whilst parked and unoccupied. The first was eventually repair and unfortunately my second was a Write-Off in May 19th 2020. I was then informed by people living on Marsden Lane who came down to see the accident how many people have had cars hit and damage by speeding cars.

I am at the moment parking my car in my back lane hence the enquiry about the new Post Office extension possibly generating extra deliveries, causing more problems in the back lane and Marsden Lane.

A major issue concerning people living and parking their car on Marsden Lane, and trying to cross the road is the speed that cars are travelling in a 30 MPH limit. A lot of cars come off Horsley Hill round and immediately accelerate anything between 40 to 60 MPH. Also in the opposite direction approaching the roundabout.

21 Horsley Hill Square – I'm not happy with this at all, I have recently moved from a busy area to what I thought would be a quiet area with my new born baby, I think having the extension will be very disruptive and loud.

Case Officer Comment - The post office/convenience store is currently located at unit 19 and the applicant confirmed that there would be no increase in the number of deliveries once it has relocated to units 22/23. Incidents relating to parked cars and speeding vehicles along Marsden Lane are not relevant to this planning application. Although the units were vacant for a period of time, they are commercial units and can be used for a business premises. The construction period for the extension is a temporary measure. Any other planning related matters are dealt with in the report.

2) Other Consultee responses

Traffic & Road Safety – Consult SPD6 for parking standards.

Environmental Health – No response.

Waste Services - No response.

Environmental Protection - No comments in terms of land contamination or flood risk/drainage.

Northumbria Police – Having reviewed the matter and with due consideration to the nature and scope of the proposal Northumbria Police have no objections from a crime and disorder perspective.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

Local Neighbourhood Shopping Centre

Horsley Hill Square is a Local Neighbourhood Shopping Centre. Policy SA5 (Retail Opportunities) seeks to promote and encourage proposals that broaden the range of shopping facilities, to improve the vitality and viability of the Borough's district and other local neighbourhood shopping centres. It is considered that the proposed use (Class E) would be an appropriate use for this site, particularly as the Post Office is currently located at 19 Horsley Hill Square. In addition, merging two units to create one bigger unit would be preferable to having a vacant unit in terms of the viability and vitality of the shopping centre. Therefore the proposal is considered acceptable and would comply with Policy SA5 (Retail Opportunities) of the Site-Specific Allocations Development Plan Document.

Design and Impact on Visual Amenity

Local Development Framework Policy DM1(A) states that in determining all applications we will ensure that the development, including alterations to existing buildings, is designed to convey sensitive consideration of its surroundings, and that where possible enhance its local setting and reinforce local identity.

The proposed development includes the provision of a shop front to the front elevation and an extension to the rear elevation.

The proposed shopfront replacement is of an acceptable style and would be in keeping with the existing building and surrounding area. Two units are being merged in to one unit and therefore one of the entrance doors would be removed and the windows would also be replaced. The proposed materials are facing brick, aluminum glazed shop front and an aluminum glazed door to match existing. The shopfront replacements are considered appropriate by virtue of its scale, design, colour and materials and are acceptable and appropriate to the scale and size of the building. It is therefore considered that the proposed advertisements accord with Policy DM1 (A and B) of the South Tyneside LDF, as well as the requirements of the NPPF.

The rear extension would not be visible from the public domain within Horsley Hill Square. To the rear of the parade of shops are a number of rear extensions, including the existing extension at unit 22. The proposed extension at unit 23 would match the dimensions of the extension at unit 22. Taking the above in to account, the proposed rear extension would not detract from the design and visual amenity of the area.

The planning application submission and the front elevation drawing indicate that a fascia sign is proposed as part of the development. Advertisement Consent is a separate matter to an application for planning permission and an informative is suggested to advise the applicant of the need to investigate whether a separate application for Advertisement Consent for such a sign is required.

As such, it is considered that the proposed development would be in accordance with Policy DM1(A).

Residential Amenity

Local Development Framework DM1(B) states that in determining all applications we will ensure that the development is acceptable in relation to its impact on residential amenity. The accompanying text states that we will assess impact on residential amenity in relation to a number of matters, including noise,

vibration, disturbance from any proposed activity (including traffic related noise and the comings and goings of visitors to premises particularly when late evening activity is involved), smell and fumes.

Residential properties are located above the parade of shops. The occupant above the applicant premises has commented that they thought it would be a quiet area and having the extension will be very disruptive and loud. The residential property is directly above a commercial premises, which is located within a Local Neighbourhood Shopping Centre. This must be acknowledged and given significant weight when considering residential amenity (although opening hours are considered further below). Although the premises may have previously been vacant, this should be considered as a temporary measure and that a business could use the property at any point in time (and where a proposal or use may not require planning permission). Disruption from the construction of the extension would be purely temporary until the extension is complete and a planning condition limiting construction hours in which it should be built is not considered to be reasonable in this instance, given its scale; and also because any works that were solely to the interior of two application the properties (as they are now) could be done without requiring planning permission.

A neighbour to the rear of the parade of shops expressed concerns over the generation of more deliveries along the narrow back lane which already has problems with delivery vans and access for cars. The applicant of the existing Post Office along the parade of shops has advised that there would be no increase in the number of deliveries to the proposed premises, therefore not increasing the volume of vehicles using the rear lane.

The Council's Environmental Protection team have no comments to make in terms of land contamination or flood risk/drainage and the Council's Environmental Health team did not make comment on the scheme. Northumbria Police have no objections from a crime and disorder perspective and Waste Services also did not respond.

The Use Class of unit 23 is currently sui generis (hot food takeaway) and has an opening hours restriction whereby the premises shall be closed to the public between the hours of 7.00pm and 9.00am daily. This is to safeguard occupiers of nearby flats from noise and disturbance during evening hours. The proposed opening hours are 7am to 9pm Monday to Friday, 8am to 9pm on Saturdays and Sundays and Bank Holidays which are considered to be acceptable in terms of residential amenity. Subject to a condition restricting the opening hours of the premises, it is considered that the proposed development would be acceptable with regard to its impact on the residential amenities of the occupants of nearby residential properties, including the flat immediately above.

As such, it is considered that the proposed development would be in accordance with Policy DM1 (B) of the South Tyneside Local Development Framework.

Parking and Highway Safety

Policy DM1 (G) (Management of Development) requires development to be acceptable in relation to highway capacity and safety.

SPD6 (Parking Standards) sets out the parking standards that the council will have regard to in assessing proposals for new development.

There is no car parking provision specifically associated with units 22 and 23, however there is a car park located to the front of the parade of shops beyond the pedestrian area. It is considered that the proposed use, due to the limited scale of the premises, would not result in an unacceptable level of additional parking demand, over and above that required for the existing use as a shop. In addition, the Council's Traffic and Road Safety Team (as the Highways Authority) have assessed the proposed development with regard to highway safety and advise to consult SPD6 for parking standards. It is considered that the proposed development would be acceptable with regard to its impact on car parking

and highway safety. As such, it is considered that the proposed development is in accordance with Development Management Policy DM1 (G) and the guidance contained within SPD6.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Conclusion

It is considered that the proposed change of use of 2 no. units to 1 no. Class E unit would be in accordance with the relevant policies contained within the Local Development Framework and is considered to be acceptable.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No C-02 Rev B - Received 03/06/2021

Drg No C-04 - Received 03/06/2021

Drg No C-05 - Received 03/06/2021

Drg No C-06 - Received 28/06/2021

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The external materials for the proposed shop front hereby permitted shall be as specified within the planning application form received 05/07/2021. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 4 The use hereby permitted shall be not be open to customers outside of the hours of: 7.00am to 9.00pm Monday to Friday, and; 8.00am to 9.00pm Saturdays, Sundays and Bank Holidays.

In the interests of the amenity of nearby residential occupiers, in accordance with Policy DM1(B) of the South Tyneside Local Development Framework.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 3 **NOTE TO APPLICANT**
The planning application submission and the front elevation drawing indicates that a fascia sign is proposed as part of the development. Advertisement Consent is a separate matter to an application for planning permission and the applicant should investigate the need for submitting a separate application for Advertisement Consent for such a sign.

Case officer: Emma Thomas

Signed: Emma Thomas

Date: 15/09/2021

Authorised Signatory:

Date:

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