

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 12th DECEMBER 2007**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**07/2267/FUL**

**62 - 64 High Street, Yarm, TS15 9AH**

**Revised application for conversion of ground floor into 2 no. shop units and extension to rear**

**Expiry Date 26 December 2007**

## **SUMMARY**

The application relates to commercial units which have a frontage onto the High Street in Yarm within the Conservation Area (see Appendix 1). The ground floor has been operating as one combined unit as a café, bakery and retail shop (A1 and A3). On the two upper floors are separate offices (A2) and a second floor residential flat (C3). The units share a rear yard with separate pedestrian access through a side passage to the main and rear streets.

The proposals are to extend the premises and change the use to two units on the ground floor as a separate shop (A1) and financial and professional services unit (A2) (see Appendices 2 and 3). One of the shop fronts has been changed in the past and would be replaced to match the remaining original. The two storey rear extension would contain an additional office (A2) at first floor and a new rear staircase. A temporary staircase would be inserted into a front room of the building to allow for safe access to the residential flat during the course of the building works (see Appendix 4).

In principle the extension of commercial premises within the defined District Centre of Yarm is acceptable. The proposed changes of use are to acceptable uses within a town centre. The proposals have raised objections relating to the form and size of the extension and the relationship with the residential property behind.

It is considered that the proposals would maintain and enhance the character and appearance of the Conservation Area by improving the rear elevation. The proposed uses meet the planning policies for a commercial town centre location. The proposed extension has taken into account the position of window openings on the residential property at the rear and addressed other issues so as to be acceptable in planning terms. The proposals conform to planning policies and there are no material considerations which require that the application be refused. Conditional approval is recommended.

## **RECOMMENDATION**

**Planning application 07/2267/FUL be Approved subject to the following Conditions**

- 01 **The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.**

<b>Plan Reference Number</b>	<b>Date on Plan</b>
SBC0001	26 July 2007
24	20 September 2007
L100/1	30 October 2007
L100/2	29 October 2007

**Reason: To define the consent.**

02. **Detailed drawings or samples of materials, as appropriate, in respect of the following, shall be submitted and approved by the Local Planning Authority in consultation with English Heritage, before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details:**

- (i) External doors drawings at 1:5**
- (ii) Windows: sample and drawings at 1:5**
- (iii) All new external materials (samples)**
- (iv) Roof coverings (samples)**

**Reason: In order to maintain and enhance the character and appearance of the Yarm Conservation Area.**

03. **Before development commences details of the replacement shop front to unit 2 shall be submitted to and approved by the local planning authority. The details shall be at a minimum scale of 1;20 and shall include cross sections of the cornices and shop window frames. The shop front shall be constructed as approved.**

**Reason: In order to maintain and enhance the character and appearance of the Yarm Conservation Area.**

04. **Before development commences details of provision for the secure parking of six cycles shall be submitted to and approved by the local planning authority. The cycle parking provision shall be implemented before the extension hereby approved is occupied or brought into use and thereafter maintained for no other purpose.**

**Reason: To ensure the provision of cycle parking in the interests of providing for sustainable transport modes.**

05. **Before development commences details of the proposed hard and soft landscaping and boundary treatments shall be submitted to and approved by the local planning authority, implemented as approved and the landscaping shall be maintained for a minimum of five years from the date of approval with any plants that die being replaced with plants of the same species and size. Full details should be provided to the following minimum standard:**

- A detailed landscape plan for hard construction indicating materials and construction methods.**
- A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.**

**Reason: In the interests of visual amenity.**

- 06. The windows situated on the eastern gable ends of the extension hereby approved shall be constructed with obscure glazing and thereafter maintained with obscure glazing unless otherwise agreed in writing with the local planning authority.**

**Reason: In the interests of the amenity of adjoining residential property occupiers.**

### **Informative**

It is considered that the development is in character with the building and its setting and would not have so significant an impact on surrounding properties or their occupiers as to warrant a refusal of permission and that the proposals conform with the requirements of Policies GP1 and EN24 of the Stockton on Tees Local Plan (June 1997) Policies S1 and S3 of the Stockton-on-Tees Local Plan Alteration Number 1 (March 2006) and Draft Core Strategy Policy 5 (CS5) Town Centres of the Stockton-on-Tees Core Strategy Preferred Options (September 2007) and that there are no other material considerations which suggests the application should be determined otherwise.

## **BACKGROUND**

### **No.s 62 and 64 High Street**

07/2268/LBC

Revised application for Listed Building Consent for alterations to provide 2 no. shop units with extension to rear. Invalid application.

07/0642/FUL

Conversion of ground floor into 2 no. shop units and extension to rear. Application withdrawn without a decision being made.

07/0686/LBC

Listed Building Consent for alterations to provide 2 no. shop units with extension to rear application withdrawn without a decision being made.

S127/89

Redecoration of front and fascia sign, approved conditionally.

S75/89

Internal alterations and refurbishment

S2321/76

For opening in ground floor wall, approved.

3/3/2975A

Alterations and additions to existing shop premises to form a self-service cafeteria. Approved.

### **No. 62 High Street**

2975

Alterations and new front to shop. Approved.

## **PROPOSAL**

3. Planning permission is sought for changes of use and an extension to commercial units which have a frontage onto the High Street in Yarm within the Conservation Area. The ground floor

has been operating as one combined unit as a café, bakery and retail shop. On the two upper floors are offices and a second floor residential flat. The units share a rear yard with separate pedestrian access through a side passage to the main and rear streets.

4. The proposals are to reinstate the internal dividing wall at ground level to form two separate commercial units as a shop (A1) in No.62 and financial and professional services unit (A2) in No.64. This is a change in the use of the ground floor from a mixed retail, café and bakery (A1 and A3).
5. The proposed two storey rear extension would replace previous flat roofed extensions and small sheds. The rear extension would be in the form of two conjoined two storey projections of different lengths each under a separate pitched roof. The materials are proposed to match the existing on the building which are a variety of bricks types, tiles and slates reflecting the eras when the building has been extended in the past. All three windows facing onto the rear yard and No.2 Chapel Yard are proposed to be obscure glazed.
6. The part of the extension at the rear of No.62 would add 4m in length to the existing three storey projection beside Chapel Yard passage. This would leave a distance of some 8.5m within the site to the boundary of the walled access enclosure to No.2 Chapel Yard and 10.9m to that dwelling house itself. This extension would principally contain a staircase to serve the whole building as a replacement for the existing linking the ground and first floors. A rear access door would provide a ground floor link from the yard to the shop unit and access to the all the upper floors in both No.s62 and 64 including a new office on the first floor of the extension to No.64.
7. The rear extension to No.64 would extend 3m past that proposed for No.62 and consist of two elements. One element is a single storey replacement of the existing ground floor 6.5m long flat roofed projection and the other a 7.7m two storey section providing additional A2 floor space at ground floor level and an office above. This extension would leave a distance of 7.7m to No.2 Chapel Yard and be 5.5m from the boundary of the walled access enclosure to that house. The new single storey flat roof would maintain light and ventilation to the rear of the flat occupying the first and second floors of No.s62 and 64 and allow the residents access onto that roof as a private and enclosed external amenity area.
8. A temporary staircase would be inserted into a front room of the no.62 to allow for safe access and continued occupation of the upper floors of the building whilst the works are carried out. The temporary staircase would be removed following completion of the building works.
9. The shop front of No.62 has been changed in the past and this would be replaced and restored to match the more original at No.64.

## **CONSULTATIONS**

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

### **Councillors**

Councillor Andrew Sherris  
Rosehill' 15 Leven Road

My objections still stand as per the previous application. The new premises will generate further traffic with no on site parking, the extension is too close to the neighbouring property and will cause numerous issues with regard to natural light and the movement of employees etc close to the wall of the property, loss of privacy and devaluation of the property.

### **Environmental Health Unit**

Letter 1

Further to your memorandum regarding the above, I have no objection to this application.

Letter 2

Further to your recent memorandum regarding the amended/superseding plans for the above, I have no further comments to make.

### **Historic Buildings Officer**

No comment received

### **Parish Council**

No comment received

### **Urban Design - Engineers**

General Summary

We have no objections to this application subject to the comments listed below.

### **Highways Comments**

Letter 1

The proposed development is located centrally on Yarm High Street. Access to the commercial units is to the front of the property and there is rear access for all units via the alleyway running from the high street to the road running parallel with the river.

The development will increase the number of trips to site however the site has no incurtilage parking. Whilst the lack of parking is a concern, it is acknowledged that the town centre location limits the possibility for incurtilage parking. The lack of parking is therefore considered acceptable in this location as there is public parking available and public transport links nearby. However, in accordance with the Council's parking standards, secure cycle parking should be provided for 6 bicycles. This could be accommodated at the rear of the property and accessed via the alleyway.

Letter 2

If the applicant takes into account the above comments I have no objections to this application.

Letter 3

I have reviewed the corrected plan details and previous comments still apply, specifically that the applicant must provide bicycle parking in accordance with the Council's parking standards.

### **Landscape & Visual Comments**

Letter 1

We have no objections to the development details of the proposed hard and soft landscaping and boundary treatments are required. Full details should be provided to the following minimum standard:

- A detailed landscape plan for hard construction indicating materials and construction methods.
- A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

Letter 2

We have no objections to the temporary staircase but still request landscape details as per previous memo.

Letter 3

Landscape details requested as previous memos.

### **Built Environment Comments**

We have no objections to the application.

### **PUBLICITY**

Neighbours were notified and 13 letters of objection were received from 10 persons as follows:-

**Mrs L E Shaw**

Brewery House' Brewery Yard

Having viewed the drawings for the above proposed development, it would appear that in some instances the plans and elevations do not correspond. I am also concerned as to the nature of the business that is proposed, this having effect on the area and access to and from Chapel Yard. The plans seem to indicate a paved area that in some instances could become a meeting place, smoking place: that in itself could become a problem. We currently have a problem with people using Chapel Yard as a public toilet, the police have been informed of this and we are currently monitoring this.

**Mr L D Bunce**

2 Chapel Yard' Yarm

As a resident of 2 Chapel Yard, I would like to submit the following objections.

1. I feel that this proposal will have an adverse affect on our property. If the proposed planning application is granted the extension will dominate and overshadow our property, blocking sunlight we rely on to provide light not only to our staircase but also to our hallway, which is very dark. The close proximity of this extension will have an overbearing impact on both the privacy and amenity of our family.
2. I would like to object to the close proximity of this two-story extension to our home. The design and access statement submitted with the application plainly states on page three that ' The extension will not encroach beyond 11m from the face of the existing dwelling to the rear of the site' this refers to our home (2 Chapel Yard). If you take a look at the drawings submitted with this access statement you will see this is blatantly untrue.

Drawing No L100/2 revision A

If you look at the proposed ground floor layout you can clearly see that the vast majority of the two-story extension is only 8m from the face of our home.

Drawing L100/1 revision A

The proposed side elevation of this drawing shows this same section of the two-story extension to be only 6.5m away from the face of our home.

3. If this application is approved the close proximity of the building to our home will have a negative effect on our property making it un-sellable in the future.
4. Another major issue is the problem of employees who smoke. Now employees from the shops and offices gather together at the doorway of the current building times a day to smoke. The addition of a further extension brings this problem even closer to our home, and the increase in floor space and addition of more office space increases the number of employees likely to gather. We as a family feel we should not be submitted to other peoples smoke in our own home.
5. EN 26 of the adopted Stockton on Tees local plan states that alterations, extensions and change of use to listed buildings will only be permitted where the proposals are in keeping with the character and appearance of the original building. 62-64 High Street is a listed building that has already been heavily extended in the past, to add further extensions especially of such a large size would surely compromise the character and appearance of the original building.
6. I also have concerns for the amount of added traffic this extension will bring to the amenity area adjoining our home If you consider the fact that four offices, a residential flat and two very large shop units will be using this amenity land, and if you also consider the close proximity of this area to our home, I'm sure you can appreciate my concerns. We will be subjected to a lot of extra traffic from employees, residents and members of the public visiting the offices.

**Mr D Bunce**

2 Chapel Yard' Yarm

**Letter 1**

I would like to have noted my objections to the above planning application and the proposal to add a large two-story extension to the rear of 62-64 High Street, Yarm. I am the owner of 2 Chapel Yard, the property sharing a common boundary directly behind 62-64 High Street.

1. If this application is approved I know it will have a negative effect on our property making it un-sellable in the future. We have already lost the sale of our home earlier in the year due solely to this proposed extension and the detrimental effect it will have on our property.
2. I feel that the size of the extension is unacceptable, to have a commercial property so close to a residential home I feel is unwarranted. At one point the extension comes within 6.5m of our home. Why does it need to be so big? Even divided into two shops the floor area seems adequate. The high street is full of commercial units of similar floor area to 62-64 High Street, all of which seem to trade successfully.
3. The close proximity of the extension to our home will have an overbearing impact on both our privacy and our residential amenity contrary to the provisions of policies HO3 (v) & HO11 (iv) of the adopted Stockton on Tees local plan. The two-storey extension is extremely close to our common boundary, I feel this will overshadow and dominate our property. The view from our main bedroom window will be dominated by this development, and we will lose our privacy. The sunlight from our landing window that we rely on to provide light to both our staircase and hallway will be severely reduced.
4. Other areas that concern me deeply are the noise and smoking issues. The employees from the shops and offices gather together at the doorway of the current building many times a day to smoke and chat. At present we can hear them clearly from our property however by allowing the building to encroach closer to our home I fear this problem will escalate. The vast increase in floor area to the two shops and the extra office space will increase the number of employees, which added to the people working in the offices and the family living in the flat will greatly increase the traffic coming and going from the property. This extra traffic will cause a great deal of disturbance to us and the cigarette smoke will enter our home through the windows.
5. EN 24 of the adopted Stockton on Tees local plan states that new developments in a Conservation Area will only be permitted if:
  - (i) 'the siting and design of the proposal does not harm the character or appearance of the Conservation Area'
  - (ii) 'the scale, mass, detailing and materials are appropriate to the character and appearance of the area'

The proposal I feel does not meet these criteria. The artist's impression submitted clearly shows that if allowed this listed building will look hideously overdeveloped.

The fact that the artist's impression submitted to planning is so misleading does not help. The artist's impression clearly shows that the proposed extension is shorter in length than the extension to No 66 High Street (the Sayers building)  
However Drawing No L100/2 revision A shows that the proposed extension is approximately 2m longer than the extension to No 66 High Street (the Sayers building)  
And Drawing L100/1 revision A shows that the proposed extension is approximately 3m longer than the extension to No 66 High Street (the Sayers building)  
I have enclosed a copy of the artists impression, I have added to it the external walls of our property and also have shown where the building line of No 66 High Street (the Sayers building)

does actually end in relation to the proposed extension, I think this helps put things into perspective when assessing the scale of the project to its surroundings.

## **Letter 2**

I would like to have noted my comments to the changes and additions that have occurred in the above planning application since our objections were submitted on 19th August 2007.

1. In my letter of objection I tried to explain how I felt the impact the vast size of this extension would have on our family home as well as point out the lack of amenity land that would be left if a building of this size was allowed to be built. The building would consist of four offices, a residential flat and two very large shop units. The outside space left must therefore accommodate not only the extra traffic from employees, residents and members of the public but also the employees from the shops and offices who gather outside many times a day to smoke and chat, the bin storage facility and now it appears it will also need to accommodate secure cycle parking for six bicycles. I urge you to consider our requests to keep this building, as far away from our family home as possible, the proposed 8m we feel is totally unreasonable when you take into account all of the above.

## **Mrs J Popple**

1 Chapel Yard' Yarm

a) As a resident of Chapel Yard I feel strongly that the extension will detract from the setting of both the listed building and the conservation area. The building has already had a number of extensions to attach another substantial extension will detract from the character of the building. The artist's impression shows exactly this, a mass of obvious additions to the building doing nothing to enhance the buildings character.

b) The close proximity and the extra height of this revised two storey extension will have an overbearing impact on the existing residential property sharing a common boundary. It will affect the amount of light reaching the property, as well as the privacy and amenity of the properties occupiers.

## **Mr G Shaw**

Brewery House' Brewery Yard

Further to the above and having viewed the drawings I wish to lodge my objections.

Primarily the drawings, plan and elevation in certain instances do not correspond. Secondly I have been lead to believe that one of the premises is to be used as a Betting Office. In which case the drawings do not identify an external smoking area and associated ash trays. Would this result in people using Chapel Yard as an outside smoking area?

## **Mauro Carneiro**

557 Yarm Road' Eaglescliffe

Please note that I object to the above-mentioned proposals to build a large two-storey extension to the rear of 62-64 High Street, Yarm. As the owner of property in the adjacent area and a frequent user of Chapel Yard I regret to inform you that in my view the extension proposed alters significantly the pleasant character of the area. This has a negative impact in our community as we strive to keep Yarm a vibrant and attractive place to both current and new residents, as well as visitors.

Our beautiful Methodist Church, and other adjacent properties such as Brewery House and the Brewery Cottages as well as the Scout Huts, are examples of the character that must be preserved in this area. In particular, the Methodist Church and the Scout Huts are Listed Buildings.

Now the proposals for extension of 62-64 High Street bring architectural elements that will dominate this area, and bring with it a flavour that in my opinion is not desirable for this area, especially the size and height of the new building.

This is likely to spoil the attractiveness and value of properties in this area. For this reason, I urge you to consider my strong objection to this proposal.



**Mr E Popple**

1 Chapel Yard' Yarm

As a resident of Chapel Yard I feel strongly that the extension will detract from the setting of both the listed building and Chapel Yard.

Chapel Yard consists of a number of buildings, two of which, the Methodist Church and the Scout Hut are also Listed Buildings; all of these buildings are spaced out evenly giving character. Chapel Yard is probably the only remaining alley linking the High Street to the River that has retained this type of character. This will be spoiled if this proposed extension goes ahead. The size and height of this two storey extension will fill the amenity land presently dividing 62-64 High Street and the property sharing a common boundary directly behind it, detracting from the street scene.

I also feel that this proposal will have an adverse affect on the property behind sharing a common boundary. If the proposed planning application is granted the extension will dominate this property.

**Marjorie Simpson**

15 Mayes Walk' Yarm

This proposal will reduce the natural light for the immediate residents. Surely it is not necessary to develop the external area to such a degree that the nearest neighbour's residential property will become unsaleable

**Miss S Bunce**

2 Chapel Yard, Yarm

As a resident of 2 Chapel Yard the property directly affected by this proposal I would like you to note my objections to the above planning applications.

In Chapel Yard we are lucky to have a number of listed buildings such as the Methodist Church and the Scout Huts (which are currently being renovated) and other residential buildings that are all in keeping with the conservation area giving character to this walkway. I think it is important to both the local residents and to the town to try and preserve this character. All of the buildings along Chapel Yard are spaced out evenly adding to this character, however the size and height of this two story extension will fill the amenity land presently dividing 62-64 High Street and our home which shares a common boundary directly behind it, this I feel will detract from the street scene. 62-64 High Street is a listed building that has already been heavily extended; to attach another large extension would further spoil the character and appearance of the original building.

Although the design and access statement submitted with the application states that the two story extension will not encroach beyond 11m from the face of our home this has blatantly been overridden in the drawings that have been submitted showing the extension to be either 8m or 6.5m away from our home depending on which drawing you look at.

Allowing the extension to be this close to our home will have a detrimental effect on it, not only will it dominate the property it will also affect the amount of light reaching our home. The numerous windows on this proposed extension being visible from our bedroom window and overlooking our amenity area would also put our privacy in jeopardy.

As a non-smoking family I must point out that every thing possible must be done to allow us to live in a smoke free environment in our home. The only way we can achieved this is by keeping this proposed extension as far from our home as possible, I'm sure you can appreciate this.

**Mrs J Bunce**

2 Chapel Yard' Yarm

**Letter 1**

As the owner of the property directly affected by this planning proposal and a resident of Chapel Yard I would like to submit my objections.

- a) At the end of March my husband and I were invited to a meeting with Mr Stevenson of Thomas Stevenson's Surveyors, he was representing Cable Properties and Investments. At this meeting Mr Stevenson said that the previous application had been withdrawn on advice from Stockton Planning Department, he also said that the planning department advised them when resubmitting the plans to keep the new extension 11m from the back wall of our home.  
However when we received the new plans we found them to be totally misleading and unsatisfactory leaving us no choice than to object strongly to the proposals.  
Below I have tried to explain why we feel we are being misled:
- i) A design and access statement was submitted with the application and on page three of this they have written as follows:  
The extension will not encroach beyond 11m from the face of the existing dwelling to the rear of the site  
This as you can see corresponds with what was discussed at the meeting
- ii) However irrelevant to what the design and access statement states the drawings contradict this as shown below:  
  
Drawing No L100/2 revision A - If you look at the proposed ground floor layout you can clearly see that the vast majority of the two-story extension is only 8m from the face of our home.  
  
Drawing L100/1 revision A  
The proposed side elevation of this drawing shows this same section of the two-story extension to be only 6.5m away from the face of our home.
- iii) The artist's impression clearly shows that the proposed extension is shorter in length than the extension to No 66 High Street (the Sayers building)  
However Drawing No L100/2 revision A shows that the proposed extension is approximately 2m longer than the extension to No 66 High Street (the Sayers building)  
And Drawing L100/1 revision A shows that the proposed extension is approximately 3m longer than the extension to No 66 High Street (the Sayers building)
- b) Due to recently losing the sale of our property on the completion day due directly to this proposed extension I now feel completely justified in saying that if this planning application is approved our home would become un-saleable. If this is allowed to happen it will have a massive impact on us as a family. However if the proposal is refused, these premises can still be converted into two shop units with floor areas similar to the majority of other commercial premises trading successfully on Yarm High Street.
- c) This proposed extension is far too big for the plot it sits on; it leaves very little amenity land for a building of this size in a residential area. If you consider the fact that four offices, a residential flat and two very large shop units will be using this amenity land, and if you also consider the close proximity of this area to our home, I'm sure you can appreciate my concerns. We would have to tolerate a lot of extra traffic from employees, residents and members of the public visiting these offices.
- d) The proposed two-storey extension will overshadow and dominate our property. It will also block light, we have a number of windows on this aspect of our home, one being our main bedroom another being our landing window. We rely on the landing window to provide light not only to our staircase but also to our hallway, which is very dark; we really cannot afford to lose any light from these areas. With numerous windows on this proposed extension being visible from our bedroom window I also feel our privacy is in jeopardy.

- e) Another major issue is the problem of employees who smoke. The vast increase in shop floor area will increase the number of employees, and the fact that the building will be so much closer to our home will mean that the smoke will no doubt find its way through the window into our home, as a no smoking family I find this totally unacceptable.

## **Letter 2**

In response to the letter we received dated 28<sup>th</sup> September 2007 relating to the amendments and changes made to the above planning applications I would like you to consider the following comments:

- 1) Drawing No L100/2 revision A - If you look at the proposed ground floor layout you can clearly see that the vast majority of the two-story extension is only 8m from the face of our home.

### **Drawing No L100/2 revision A**

**The proposed side elevation of this drawing shows this same section of the two-story extension to be only 6.5m away from the face of our home.**

I am pleased to note that the two new revised drawings Drawing No L100/2 revision B and Drawing No L100/2 revision A do now both show the vast majority of the two-story extension to be the same 8m from the face of our home.

However I am extremely disappointed that both these drawing still show this distance to be only 8m. My husband and I were told in a meeting by Mr Stevenson of Thomas Stevenson's Surveyors (the representative for Cable Properties and Investments) that when the first planning application was withdrawn they were advised by the planning department that when they resubmitted the plans it would be advisable to keep the proposed extension 11m from the face of our home.

If you read the design and access statement that was submitted with the application you will see that page three clearly states:

The extension will not encroach beyond 11m from the face of the existing dwelling to the rear of the site.

This design and access statement has not been amended and this contradiction is still present.

May I also point out that not only did they ignore this advice and resubmit the plans with the extension being only 8m from our building they also resubmitted it as a two storey extension not a single storey extension as it was in the first submission.

- 2) The artist's impression has also not been amended this still shows the proposed extension to be shorter in length than the extension to No 66 High Street (the Sayers building) when even the new revised drawings both clearly still show the proposed extension to be approximately 2m longer than the extension to No 66 High Street (the Sayers building)
- 3) May I also point out that Drawing L100/1 Rev B no longer states that the existing brick boundary wall will be repaired as required and rendered to match.

I hope that this planning application will not be granted in its present format and that greater consideration will be made to the distance any proposed extension will be from our home.

## **Mr D and Mrs J Bunce**

2 Chapel Yard' Yarm

In response to the letter we received dated 6th November 2007 relating to the amendments and changes made to the above planning applications I would like you to consider the following comments:

New drawings submitted on 29th October 2007

Drawing No L100/2 Revision F & Drawing No L100/1 Revision D

We feel that each time new drawings are submitted they contain less detail and information than the previous ones.

We would like to see new drawings submitted containing the following information before a decision is made on this proposed planning application.

a) Design and Access statement

We would like to see the drawings resubmitted with the whole of the proposed extension shown to be 11m from our home as clearly stated in the design and access statement submitted with the application. This we feel is a major indiscretion that must be rectified.

If you read the design and access statement that was submitted with the application you would see that page three clearly states:

The extension will not encroach beyond 11m from the face of the existing dwelling to the rear of the site.

b) Bicycle Parking

We have noticed that comments from Urban Design received with the last application have been ignored. They requested that bicycle parking should be provided for 6 bicycles in accordance with councils parking standards in the amenity land between 62-64 High Street and our property; this has not been added to these new revised drawings.

c) Bin store

It appears the bin storage facility for these two large shop units, four offices and residential flat have also been left off these new plans.

Perhaps due to the close proximity of this proposed extension to our home (8m) and as a result the lack of amenity land remaining, they felt putting both the bin storage facility and the bicycle parking on these new drawings would only highlight how little amenity space would then remain.

d) Wall

May I also point out that Drawing L100/1 Rev D no longer states that the existing brick boundary wall will be repaired as required and rendered to match. This wall is in very poor condition and I feel that this should not be allowed to be overlooked.

e) Artists Impression

The artist's impression must we feel also be amended and resubmitted as it still shows the proposed extension to be shorter in length than the extension to No 66 High Street (the Sayers building) when even the new revised drawings both clearly still show the proposed extension to be approximately 2m longer than the extension to No 66 High Street (the Sayers building)

We feel that all of the above need to be dealt with and included in any final drawings that will be presented to the planning committee when the final decision will be taken. We again urge you to consider our requests to keep this building, as far away from our family home as possible, the proposed 8m we feel is totally unreasonable

## **PLANNING POLICY**

10. 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 Plans are: - *the Tees Valley Structure Plan (TVSP) the Stockton on Tees Local Plan (STLP)*

Stockton-on-Tees Local Plan Alteration Number 1 (March 2006) and the Stockton-on-Tees Borough Council Core Strategy Preferred Options (September 2007).

The following planning policies are considered to be relevant to the consideration of this application:-

### **Stockton-on-Tees Local Plan**

#### **Policy GP1**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

#### **Policy EN24**

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area.

#### **Policy EN28**

Development which is likely to detract from the setting of a Listed Building will not be permitted.

### **Stockton-on-Tees Local Plan Alteration Number 1 (March 2006)**

#### **Policy S1**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres at :
  - 1) Billingham
  - 2) Thornaby
  - 3) Yarm
- C) The Local Centres at :
  - 1) Billingham Green, Billingham
  - 2) Myton Way, Ingleby Barwick
  - 3) High Street, Norton.
  - 4) High Newham Court, Stockton
- D) The Neighbourhood Centres at :
  - 1) Clifton Avenue, Billingham ;
  - 2) Kenilworth Road, Billingham ;
  - 3) Low Grange, Billingham;
  - 4) Mill Lane, Billingham;

- 5) Station Road, Billingham;
- 6) Tunstall Avenue (Neasham Avenue), Billingham;
- 7) Wolvison Road, Billingham;
- 8) Orchard Parade (Butterfield Drive), Eaglescliffe;
- 9) Station Road, Eaglescliffe;
- 10) Sunningdale Drive, Eaglescliffe;
- 11) Beckfields Centre, Ingleby Barwick;
- 12) Lowfields, Ingleby Barwick;
- 13) Norton Road (north), Norton;
- 14) Norton Road (central), Norton;
- 15) Norton Road (south), Norton;
- 16) Surrey Road, Norton;
- 17) The Clarences, Port Clarence;
- 18) Durham Road, Stockton;
- 19) Elm Tree Centre, Stockton;
- 20) Harper Parade, Stockton;
- 21) Hanover Parade, Stockton;
- 22) Marske Parade, Stockton;
- 23) Oxbridge Lane, Stockton;
- 24) Premier Parade, Stockton;
- 25) Redhill Road, Stockton;
- 26) Rimswell Road, Stockton;
- 27) Upsall Grove, Stockton;
- 28) Yarm Lane, Stockton;
- 29) Newton Drive (Bassleton Lane), Thornaby;
- 30) Thorntree Road, Thornaby;
- 31) Westbury Street, Thornaby;
- 32) High Street, Wolviston;
- 33) Healaugh Park, Yarm.

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area which it serves.

### **Policy S3**

Where proposals for either new or extensions to existing retail or Town Centres uses are considered acceptable in principle, under the relevant policies of the Local Plan, the Council will need to be satisfied that : -

- i) The development can be adequately and safely serviced, with adequate provision for car and cycle parking to serve customers and employees;
- ii) The scale and character of the proposed development is in keeping with the size and role of the location and enhances local character;
- i) A safe and secure pedestrian environment is created, protected from the elements where possible, designed to ensure ease of use throughout by everyone;
- ii) The proposal makes adequate provision for the storage and disposal of litter;
- iii) The proposal would not have a detrimental impact on residential or local amenity.

In addition and where appropriate, major development should provide: -

- iv) Public waste and recycling facilities;
- v) Public seating
- vi) Public conveniences, including baby changing/feeding facilities and facilities for people with disabilities.

### **Policy S8**

Proposals for new development and change of use at ground floor level, from retail (Use Class A1) within the defined boundary of Yarm District Centre will be permitted provided that: -

- i) the additional use results in no more than four non-retail units adjacent each other or a total of 15 metres continuous non-retail frontage (which ever is the greater); and
- ii) no more than 60% of the High Street's overall length of frontage will be given over to non-retail uses following implementation of the proposal; and
- iii) the proposed use does not lead to the loss of residential accommodation (see Policy S9); and
- iv) the proposal would not prejudice use of the upper floors; and

v) The proposal would preserve or enhance the character or appearance of the Conservation Area and protect and preserve Listed Buildings and their settings.

## **Stockton-on-Tees Core Strategy Preferred Options (September 2007)**

### **Draft Core Strategy Policy 5 (CS5) - Town Centres**

The Council's Preferred Options is to focus and promote proposals for retailing, as well as offices, commercial, leisure, culture, social and community facilities within:

1. Stockton town centre, as the Borough's main town centre. Proposals will be expected to protect and enhance the retail character and function of ground floor premises within the defined primary retail frontages. Other initiatives to support Stockton town centre will include:

- i. improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
- ii. promoting a balanced and socially inclusive cultural sector and 24-hour economy in the vicinity of Green Dragon Yard, and along the River Tees, including the Tees Barrage;
- iii. providing additional leisure opportunities through the extension of Splash, a central leisure and recreation facility;

2. Billingham, Thornaby and Yarm, as district centres. Priority will be given to:

- i. redeveloping Thornaby centre;
- ii. improving Billingham centre;
- iii. supporting Yarm in its more specialist niche role in providing higher order comparison goods;

Elsewhere, within the local shopping centres of Billingham Green, Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with PPS6.

The existing roles played by Teesside Park and Portrack Lane as out-of-centre sites will continue to be recognised, but further development will be restricted in these locations.

The reuse of upper floors above shops, particularly for residential purposes, will be encouraged, to support the viability and vitality of the centres.

Up to 2011, no further allocations for retail development will be made, as additional capacity can be met through committed developments and the occupation and reoccupation of vacant floor space.

## **SITE AND SURROUNDINGS**

11. The application site is centrally located in the historic core of Yarm town centre and within the designated Conservation Area. The three storey terraced buildings making up Numbers 62 and 64 High Street front onto the main commercial High Street with its mixture of town centre uses in a fairly central position along its length. A pedestrian passage, Chapel Yard, runs under the building from the main street linking with the riverside areas of the town. This passage provides pedestrian access to Yarm Methodist Church and the Scout Hut both Listed Buildings and some residential dwellings, a number of which are conversions from other uses.
12. Numbers 62 and 64 contain a mixture of commercial (A1, A2 and A3) and residential uses (C3). Both building frontages have a glazed shop window with a door for public access to the High Street. The ground floor of both units is currently vacant but has been last used as a bakery, café and retail outlet. No.62 was principally the shop with bakery to the rear and No.64 the café. The two front rooms containing the shop and café have been internally linked in the past with openings through the dividing wall to allow access between the shop counter areas and the café seating. At the rear of the ground floor are rooms used for the servicing including storage, offices, WC's and a staircase to upper floors. Those ground floor rooms at the rear of No.64 are contained within a flat roofed extension. On the first floor of No.62 are offices which extend to the rear in a three storey projection beside the passage to Chapel Yard. There is a residential flat on the first floor of No.64 that also occupies the second floor accommodation above. Outside to the rear is a walled service yard with a pedestrian gate to Chapel Yard which is shared by all the users of the building and contains small mono pitched storage sheds at the rear of three storey projection to No.62.
13. A three storey dwelling, 2 Chapel Yard, forms the rear boundary to the external yard serving No.62 and 64. No.2 Chapel Yard has a small walled area at the end of the house facing the rear of No.62 which gives private access from the door on that side to Chapel Yard. The house has obscure glazed windows in the section of wall facing the rear of No.62 and clear roof lights spaced along the length of the whole roof. This dwelling is faced by the existing clear glazed windows on the rear of the three storey application buildings No.s62 and 64. No.2 Chapel Yard has a main entrance, windows and garden frontage on its far eastern side away from the application site.
14. To the north of the yard is the blank three storey brick wall of an extension at the rear of No.66 High Street a commercial premise that is a Listed Building. A lower 4.8m high brick wall completes the means of enclosure on the northern side. The yard is separated from Chapel Yard to the south by the brick rear of the single storey mono pitch storage sheds and a 1.8m high timber fence and gate. To the south and across the passage known As Chapel Yard, is the rear of a commercial bank which has rear extensions dropping down in height from two to one storey. The first floor office windows face onto the three storey rear projection at the rear of No.62 at a short distance across the width of the passage.

## **MATERIAL PLANNING CONSIDERATIONS**

15. The main planning considerations are the principle of the development; the impact on the character and appearance of the building and its setting within the Yarm Conservation Area; the impact on residential amenity and privacy; highway and; other material considerations in relation to the planning policies and government guidance. The original representations about the accuracy of the plans are noted and accurate plans have now been submitted for consideration.



## **The Principle of the Development**

16. The building has an existing mixed use being a combination of retail (A1), office (A2), café (A3) and residential uses (C3) and is situated within the commercial core of the town centre of Yarm. Yarm is defined in the Stockton-on-Tees Alteration No.1 as a town centre appropriate for commercial activities and development such as retail and commercial offices for financial and professional services. The policies also allow for extensions to existing businesses where the proposals meet other criteria. The proposed retail and office uses are appropriate to the town centre and are encouraged by planning policies and Government advice in PPS 6 'Planning for Town Centres' in the interests of sustainable and accessible development.
17. Policy S8 of the Stockton-on-Tees Local Plan Alteration No1 gives extra protection to Yarm to ensure that a strong and accessible shopping core is retained at ground floor level. The application building already has a mixed shop and café use at ground floor. No62 was principally the shop with bakery to the rear and this would remain as the retail unit in the proposals. No.64 the current café is not in retail use at ground floor unless in combination with no.62. The Town and Country Planning (General Permitted Development) Order 1995 permits use changes from A3 cafes and restaurants to A2 professional and financial offices without the need for a planning application. The application to form a separate shop and financial and professional office would not therefore dilute the retail frontage of the town or conflict with this policy.
18. The correspondence with the agents has indicated that a building society was interested in No.64 which is an A2 use. Concern has been raised by an objector that it may be used as a Betting Office which is also an A2 use. It would not be appropriate to limit the nature of the business within the planning use class as class A2 includes all professional services provided principally to visiting members of the public. This would also allow flexibility and keep the town centre of Yarm a vibrant and attractive service centre.

## **Impact on the Character and Appearance of the Building and its Setting within the Yarm Conservation Area**

19. The change to the main frontage involves a new shop front to No.62. The intention is to copy the shop front of No.64 and return it to a more historically appropriate design, form and detailing. This will improve the street scene and this aspect of the proposals is not objected to by correspondents.
20. Policy EN24 of the adopted Stockton-on-Tees Local Plan allows for new development within conservation areas where "the siting and design of the proposal does not harm the character or appearance of the conservation area" and "the scale, mass, detailing and materials are appropriate to the character and appearance of the area."
21. The layout of Yarm follows a historically characteristic form with the main formal frontages facing onto the High Street and narrow linear plots, known as burgage plots, extending backwards into the hinterland on either side. Typically the High Street frontage of the buildings is the main architectural and historical element of the buildings. Historically the narrow plots mean that rearward extensions to these buildings have a ridge running into the rear of the main building and occupy all or part of the width of the burgage plot.
22. Numbers 62 and 64 have previously been extended in this manner in the past with three storey rearward projections. The ridge roof height of these existing three storey projections at some 9.5m is lower than that of the main frontage building at some 11m. The proposed extensions would follow this historical pattern of development. Having two separate ridged roofs extending down the plot allows each part of the extension to be significantly lower to ridge at 6.8m and 6.5m. The width of the proposed extension is also broken up so that each element reflects the

roof spans of older buildings seen throughout Yarm. When seen from the rear the building would appear like many others in the area as a series of decreasing elements in this case culminating in the smaller scale extensions currently proposed. The scale, size and form of the proposals are therefore appropriate to the building.

23. The proposed extension would bring the part of the building nearest to the Chapel Yard 11.7m from the end of the passage under No.62. This would leave a gap of 11m from the end of the extension to the next building at the end of the yard which is No.2 Chapel Yard. The element of the extension furthest from Chapel Yard at the rear of No.64 would reduce this gap by 3m but be set back 4m from the public passage. Taking the height of the extensions into account and the remaining undeveloped gap the proposals do not represent a visual overdevelopment of the site.
24. It is considered that this is the most appropriate form of extension and that it would complement the Conservation Area and not detract from the setting of any nearby Listed Building. It is important that all new development compliments and contributes to preserving the overall character and appearance of the historical town centre of Yarm. This it is considered that the proposals would do and that they comply with polices GP1, EN24, EN28, S3 and CS5 and Government advice in PPG15.
25. The artist's impression referred to by the objectors was submitted with the original application. This drawing has been withdrawn and has not been updated in-line with the other details. There has also been concern that the drawings are not accurate and that the plans and elevations do not correspond. The latest re-draw has removed or corrected these discrepancies.

#### **Impact on Residential Amenity and Privacy**

26. The residential properties most affected by the proposed development are No.2 Chapel Yard and the flat on the first and second floors of the application building. Other properties are served by the Chapel Yard passage but are further away and do not directly overlook the site. The main objections expressed are that the extension will dominate and overshadow the adjacent property, blocking sunlight and would have an overbearing impact on privacy and amenity.
27. The main rooms of the flat on the upper floors of No.s62 and 64 are to the front of the building where the larger windows overlook the High Street. On the rear at first floor level are a landing window and those for two small rooms which have security bars due to potential accessibility from the ground floor flat roof projection. One of these windows would be made into double doors to provide access to the flat roof which would become over 25sqm of private amenity space surrounded by the taller elements of the existing and proposed building. This amenity space would be a benefit to the occupant/s although they would also retain a shared use of the rear yard.
28. The gable end of the proposed extension would not be exactly parallel with the wall of the neighbouring house No.2 Chapel Yard which forms the boundary to the eastern end of the rear yard. At it's nearest the proposed extension as shown on the latest drawings would be 7.6m from the neighbour's house and not 6.5m as some objectors have claimed. The nearest part of the proposed extension would face the blank wall section of the neighbour's house although there is one roof light window at this end of the house on this elevation. The nearest part of the extension would be to the west and North West of the three other roof lights, two obscure glazed windows at first floor and single window and door at ground floor level at the southern end of this elevation. This part of the proposed extension could not restrict direct sunlight

coming to those windows until late afternoon or evening. The sun would still have to be above the ridge of the much taller main building for the extension to block any direct sunlight.

29. The neighbour's roof light bedroom window at the northern end of their western elevation is at least 6m above ground level and at head height from the internal floor level. The extension ridgeline is proposed to be under 7m in height and it would be over 8m from the sky light window. With a difference in height of 1m and the separation distance of 8m the proposed extension would not be able to prevent direct sunlight from reaching the bedroom window. At that angle the sun would be below the level of the ridge of the existing taller front part of the building. This roof light window would still have an unrestricted view of the sky. There is therefore no need for this part of the building to be 11m from the neighbour's blank wall on this part of their house.
30. The part of the extension that would most directly face the windows of the neighbour's house is proposed to be at a distance of 10.9m and set back further than the part that faces the blank section of the neighbour's wall. The distance of 10.9m closely follows the advice in Supplementary Planning Guidance Note 2 Householder Extension Guide that a gap of 11m is normally required between the rear of one building and the side elevation of another. Although this part of the extension is slightly more to the south west of the neighbour's windows the comments above about the angle of the sun and height of the respective buildings also applies.
31. The windows in the wall of the neighbour's house facing the rear of the application building are obscure glazed as are those to be in the proposed extension. The extensions would not therefore dominate the view or reduce privacy in those rooms or have an overbearing impact on residential amenity
32. The proposed extension would reduce the area of the rear yard which services the shop, café, bakery, existing offices and flat. This area is therefore already used as a rear access for staff and deliveries, the storage of waste and external smoking area. The proposed extension to the retail floor space and an office above would not necessarily mean that any more staff would be employed than there was needed for the running of the existing shop, café and bakery. A café and bakery in particular are labour intensive uses. In addition with the existing uses there would be trade and food waste and the need for mechanical air extraction from the bakery. Even with the extensions the rear yard would still be 85sqm in area and capable of providing access and other servicing functions for the retail, office and residential uses. There is room for the cycle parking and landscaping would improve the appearance of this yard. Conditions are proposed so that a reasonable landscaping of surface materials and softening plants can be achieved.

### **Highway Issues**

33. Concerns have been raised that the new premises will generate additional traffic with no on site parking provision. As noted in the Highway comments above the proposed development is located centrally on Yarm High Street where the possibility of incutillage is limited. Access to the commercial units is therefore commonly from the front of the properties but in this case there is also rear access via the Chapel Yard from either the High Street or the riverside road. The Highway advice is therefore that "The lack of parking is therefore considered acceptable in this location as there is public parking available and public transport links nearby."
34. In accordance with the Councils parking standards, secure cycle parking is required to be provided for 6 bicycles. This could be accommodated at the rear of the property and accessed via the alleyway and is required by condition.

### **Other Issues**

35. The comments received about the whether or not the neighbour can sell their house are not a planning issue.
36. Anti-social behaviour in the rear yard and it being a meeting place/smoking area are not planning issues and could be because the building is underused and vacant on the ground floor.

## **CONCLUSION**

37. It is considered that the proposals would maintain and enhance the character and appearance of the Conservation Area and that the proposed uses meet the planning policies for a commercial town centre location. The proposed design and detailing of the extension has taken into account its position in relation to neighbouring property and any window openings so as to avoid intrusion into privacy or privacy of the occupants. The proposals conform to planning policies in the Tees Valley Structure Plan (TVSP) the Stockton on Tees Local Plan (STLP) Stockton-on-Tees Local Plan Alteration Number 1 (March 2006) and the Stockton-on-Tees Borough Council Core Strategy Preferred Options (September 2007) and there are no other material considerations which require that the application be refused. Conditional approval is recommended.

### **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.

### **Financial Implications:**

As report.

### **Environmental Implications:**

As report.

### **Background Papers:**

Stockton-on-Tees Local Plan (June 1997)

Stockton-on-Tees Borough Local Development Framework Core Strategy Preferred Options  
September 2007

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## **WARD AND WARD COUNCILLORS**

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