

DELEGATED

AGENDA NO
PLANNING COMMITTEE

12 August 2009

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

09/1263/FUL

40 & 42 Yarm Road, Stockton-on-Tees, TS18 3NG

Conversion of offices to form 9 self contained apartments with a three-storey extensions to the rear.

Expiry Date: 27 July 2009

SUMMARY

Planning permission is sought for the conversion of a three-storey office building into 9 apartments and the erection of a three-storey extension to the rear. The development includes 10no. parking spaces and shares an access with 40 Yarm Road.

The application originally included an extension to the existing hostel, which has been removed from the scheme and does not form part of this application.

To date a total of 58 letters of objection have been received, however the main objections relate to development at the hostel (40 Yarm Road).

No objections have been received to the revised plans, which specifically relate to the 9no apartments.

The proposed development is considered to be acceptable and would not have an adverse impact on the privacy or amenity of neighbouring properties and adequate parking is provided to the satisfaction of the Head of Technical Services.

RECOMMENDATION

Planning application 09/1263/FUL be Approved with Conditions subject to

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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>020_A Location/site Plan</i>	<i>16 July 2009</i>
<i>001_ @ Existing Ground Floor Plan</i>	<i>28 May 2009</i>
<i>002_ @ Existing First Floor Plan</i>	<i>28 May 2009</i>
<i>003_A Existing Second Floor Plan</i>	<i>28 May 2009</i>
<i>004_ @ Existing Elevations</i>	<i>28 May 2009</i>
<i>005_ @ Existing Elevations 2</i>	<i>28 May 2009</i>
<i>010_B Proposed Site Plan</i>	<i>16 July 2009</i>
<i>011_B Proposed Ground Floor Plan</i>	<i>16 July 2009</i>
<i>012_A Proposed First Floor Plan</i>	<i>16 July 2009</i>

013_A Proposed Second Floor Plan	16 July 2009
014_A Proposed Third floor plan	16 July 2009
016_A Proposed Elevations 2	16 July 2009

Reason: To define the consent.

- 02. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).**

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 03 No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.**

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

- 04 No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following commencement of the development or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.**

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

- 05 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

06 Notwithstanding the proposals detailed in the submitted plans no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

07 All existing trees/hedgerows on the site and within 10m of the site boundary should be protected during the site works in accordance with the provisions of B.S.5837:2005 Trees in relation to construction. A written undertaking to meet the requirements of tree protection should also be submitted, which should include the following:

- No work shall commence until the approved Tree Protection Barriers are erected.**
 - No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.**
 - No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree of within the Root Protection Zone.**
 - No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.**
 - No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.**
 - No unauthorised trenches shall be dug within the Root Protection Zone.**
- No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.**

Reason: To protect the existing trees and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

08. Prior to the development, hereby approved, being brought into use, the car parking shall be provided within the curtilage of the property in accordance with Plan 010_B (dated 16 July 2009), the surface of which shall be in accordance with the details to be submitted to and approved by the Local Planning Authority. The approved spaces shall then be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To provide sufficient car parking to serve this development and to prevent increase risk of flooding from surface water run off.

08. Prior to the occupation of the buildings hereby approved, a scheme setting out the detail of secure, covered cycle parking for 5no bicycles shall be submitted to, for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of the buildings hereby permitted, unless the written prior agreement of the Local Planning Authority is obtained.

Reason: To enable the Local Planning Authority to retain control of the development in the interests of sustainable development.

- 09 Notwithstanding details hereby approved, the precise location, size and design of the bin stores shall be submitted to and approved in writing by the Local Planning Authority prior to development being commenced on site and the approved stores shall be implemented on site and brought into use prior to occupation of the site.**

Reason: In order to adequately provide for the future occupants of the site in accordance with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 10 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).**

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

The Proposal is considered to be a sustainable location, is visually acceptable, and does not have an adverse effect on privacy or amenity. The development is not considered to pose any significant threat to highway safety or landscaping and is judged against the policies below, it is considered that the scheme accords with these policies and that there are no other material considerations which indicate a decision should be otherwise.

GP1 - General Principles, HO3 - Development on Unallocated sites and HO11 - Design and Layout

BACKGROUND

1. Planning permission was sought for a three storey extension to the hostel at 40 Yarm Road and a change of use to 9 apartments with a 3 storey extension to 42 Yarm Road.
2. The development at 40 Yarm Road (the Hostel) has been removed from this application.

SITE AND SURROUNDINGS

3. The application site (No 42) is a three-storey office building with a large rear garden and a grassed area to the front. The site has no vehicular access.
4. The adjacent site, which also forms part of the application, is three-storey building with a large extension to the rear and is currently used as a hostel. There is car parking to the front and access is taken from Yarm Road.
5. There are two trees to the front of 42 Yarm Road, which are covered by tree preservation orders.
6. To the north of the application site beyond the hostel is the Blytholme Social Club and to the south of the site (no 44) is a single storey building occupied by Barclays Bank. To the rear of the properties is a residential development site, which is still under construction.

PROPOSAL

7. Planning permission is sought for the change of use of 42 Yarm Road to nine apartments and the erection of a three-storey extension to the rear and the provision of a dormer

extension. The proposed scheme also includes the installation of new windows in the existing building.

8. The proposed scheme will consist of 4no one bedroom apartments and 5no two bedroom apartments.
9. The proposed extension will have a pitched roof at the same height as the existing rear extension which sits below eaves height, and measure 7036mm x 5993mm. Windows are positioned in the side elevations of the extension.
10. The proposed dormer extension will measure approximately 10.4 metres x 4.4 metres 2.6 metres high and will have a flat roof with 3no windows in the rear.
11. 10no car parking spaces will be provided to the front of the dwelling and will share the access with 40 Yarm Road.

CONSULTATIONS

12. The initial responses referred to the hostel, which has been removed from the scheme. Therefore only the comments received on the revised plans and any relevant to the 9 apartments at 42 Yarm Road have been reported below.

The Head of Technical Services

- 13 The 9 flats will be served by 10 car parking spaces which is below the 1.25 spaces per flat required in accordance with SPD3: Parking Provision for New Developments (Central/urban Transport Strategy Area). However compared with the existing use of the building the proposed provision is favourable therefore we raise no objections.

The proposed extension at the rear of the building will involve the removal of a mature sycamore tree. As this tree is very close to the existing building we would not object to its removal. There is another mature sycamore tree very close to the front of the building against a small brick retaining wall – we would again not object to the removal of this if required to accommodate site works. The view of this tree is somewhat obscured by other trees in the vicinity when viewed from Yarm Road. We therefore have no objections to this application. All other trees within the site should be retained at present as we are awaiting a site report from the tree officer re the health of the trees notably those to the rear of the building. They should be protected during any construction works in line with the condition below and most notably those trees covered by a TPO on the Yarm Road frontage. The plan 96086-010 mentions a tree and shrub planting to be agreed – details of this are requested. If consent is granted, conditions should be applied.

Environmental Health Unit

14. No objection in principle to the development, subject to a condition relating to construction noise should it be approved.

Cleveland Police Crime Prevention

15. No comments received

Councillor R Rix

16. No comments received

Northumbrian Water Limited

17. The application has been examined and Northumbrian Water has no objections to the proposed development.

Care For Your Area

18. No comments received

Corporate Director Children, Education And Social Care

19. No comments received

Private Sector Housing

20. The Private Sector Housing Division has no objections to make to this application as the property will meet the Council Standards for Mandatory Licensed HMOs.

Parkfield And Mill Lane Neighbourhood Management Pathfinder

21. No comments made

Parkfield Residents Association

22. No comments received

Northern Gas Networks

23. No objections

CE Electric UK

24. Standard Response

PUBLICITY

25. The initial responses referred to the hostel, which has been removed from the scheme.

Whilst the majority related to the use of the hostel, some letters also mentioned the following points which are relevant to this revised application;

- the introduction of flats, bedsits and HMO's is detrimental to the area which already has a high number of this type of accommodation
- anti social behaviour
- impact on traffic
- Safety when using the ATM at the bank due to the possibility of people hanging round

26. No comments have been received on the revised plans for the 9 apartments at 42 Yarm Road.

PLANNING POLICY

27. 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 is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

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

Policy GP1

29. 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 HO3

30. Within the limits of development, residential development may be permitted provided that:
- (i) The land is not specifically allocated for another use; and
 - (ii) The land is not underneath electricity lines; and
 - (iii) It does not result in the loss of a site which is used for recreational purposes; and
 - (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
 - (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
 - (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11

31. New residential development should be designed and laid out to:
- (i) Provide a high quality of built environment which is in keeping with its surroundings;
 - (ii) Incorporate open space for both formal and informal use;
 - (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
 - (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
 - (v) Pay due regard to existing features and ground levels on the site;
 - (vi) Provide adequate access, parking and servicing;
 - (vii) Subject to the above factors, to incorporate features to assist in crime prevention.
32. PPS3: Housing
33. SPD3: Parking Provision for New Developments
34. SPG4: High Density Development: Flats and Apartments

MATERIAL PLANNING CONSIDERATIONS

35. The site is located within the defined limits of development and on a brownfield site as defined by the definitions of Planning Policy Statement 3. As such, the proposed development needs to be considered against policies GP1, HO3, and HO11. The proposed scheme incorporates flatted development and as such Supplementary Planning Guidance Note 4 relating to flatted development is also a material planning consideration.

Principle of residential development

36. The site falls within the limits of development as defined within the Borough Local Plan, the site is not allocated for another use, used for recreational purposes or located under electricity lines. The proposed development would retain the existing dwelling on site which is considered to be a positive attribute to the character and appearance of the immediate surrounding area. As such, the proposed development is considered to generally accord with Policy H03 and the general principles of Policy GP1 of the Borough Local Plan.
37. Supplementary Planning Guidance Note no. 4 sets out the Council's sequential criteria based approach to assessing an appropriate location for flatted developments, and is aimed at ensuring flatted development is located within close proximity to the relevant services and provisions, which would be required by the occupants of such a development. The site is within the limits of development, is brownfield, is located within 500m of a regularly serviced bus stop and 250m of a neighbourhood centre/1km of the defined Stockton Town Centre and thus accords with the general principles set out in the guidance.
38. Taking the above into consideration it is considered that the principle of development is acceptable.

Design, scale and appearance of the proposed extensions

39. The proposed development is formed in two areas, the existing dwelling, and the rear extensions. The existing dwelling retains its character and appearance as the front elevation remains unchanged.
40. The proposed extension to the rear is a continuation of an existing extension and the windows match those in the rear elevation of the main house. The extension is subservient to the host property with the eaves height lower than the main house. It is considered that design, scale and appearance of the proposed extension is acceptable and will not have an adverse effect on the character of the property or surrounding area.
41. The scheme also includes the provision of a flat roof dormer extension across the rear of the dwelling. Whilst this does not accord with the guidance in SPG2: Household Extension Guide which states "more traditionally shaped dormer windows will be preferable to large flat roofed dormers, and multiple smaller dormers will be better than a single large window". There are many examples of similar rear extensions in this section of Yarm Road and due to the screening by existing trees and the length of the plot affording limited views into the site, it is considered that the proposal will not have an adverse effect on the property or surrounding area.

Amenity space

42. The proposals provide a large area of amenity space to the rear of the site. Given the type of accommodation proposed and the urban location of the site, the level of amenity provision for the residents of the apartments is considered to be acceptable in this instance.

Impact on surrounding properties

43. The impact of the development on the surrounding properties relates mainly to the new areas of development in view of the conversion of the existing dwelling having negligible affects with regards to its use.
44. The proposed three storey extension and alterations to the rear are to accommodate a two bedroom apartment on each floor. The building associated with the adjoining site is the hostel. The sites are divided by a high wall, which provides adequate protection to privacy at ground floor level. There are windows that will overlook the single storey element of the hostel however the only window in the hostel serves a toilet and it is considered that the extension will not lead to overlooking or loss of privacy/amenity for the residents in the hostel or occupiers of the apartments.
45. The windows in the southern elevation will be sited approximately three metres from the boundary with the neighbouring bank. The windows will overlook a rear yard area and it is not considered that this development will have an adverse effect on either the host property or its neighbour.
46. To the rear of the site is a new development under construction. The extension will be sited over 37 metres away from the boundaries of this development and due to these separation distances is it considered that the proposed development would not unduly compromise either privacy or amenity associated with the development site.

Highway safety issues

47. Based on the revised scheme for 9 no. units the Head of Technical Services has advised that 10 car parking spaces to serve the proposed 9no apartments is below the 1.25 spaces per flat required in accordance with SPD3: Parking Provision for New Developments (Central/urban Transport Strategy Area). However compared with the existing use of building the proposed provision is favourable and therefore raises no objections.
48. In accordance with SPD3: Parking Provision for New Developments, the development requires the provision of secured and covered cycle parking for 5no cycles. In order to address this issue a condition has been recommended to achieve adequate provision.

Landscape

49. The proposed extension at the rear of the building will involve the removal of a mature sycamore tree. As this tree is very close to the existing building The Head of Technical Services does not object to its removal.
50. There is another mature sycamore tree very close to the front of the building against a small brick retaining wall, again The Head of Technical Services would not object to the removal of this tree if required as the view of this tree is somewhat obscured by other trees in the vicinity when viewed from Yarm Road.
51. The Head of Technical Services has recommended that all other trees within the site should be retained at present as we are awaiting a site report from the Councils Arboricultural Officer regarding the health of the trees notably those to the rear of the building. They should be protected during any construction works and most notably those trees covered by a Tree Preservation Order on the Yarm Road frontage.

52. Details of the tree and shrub planting indicated on plan 96086-010 should be provided and agreed. Conditions with regard to this matter and tree protection mentioned in Paragraph 51 have been recommended.

Other Matters

53. An objection has been raised with regard to the type of accommodation provided, this being 9no. apartments. Whilst it is noted that the area does feature similar types of accommodation, albeit some bedsits and HMOs, the development accords with National and Local Guidance.
54. Objections have been raised to the scheme in respect to anti social behaviour and safety when using the ATM. It is considered that the site is laid out in a manner, which gives a relatively high level of surveillance, particularly to the front of the site and the area where the car park is located. Issues such as fear of crime based on assumptions and not supported by evidence as to the characteristics of the future occupiers should not be taken into account in the determination of this proposal.

CONCLUSION

55. It is considered that the proposed development is of a design, layout and scale which is acceptable and prevents any significant undue impacts on the amenity and privacy of neighbouring properties. Furthermore, it is considered that the scheme can adequately provide access, parking, cycle storage, bin storage and amenity space, being in accordance with Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

Financial Implications: None

Environmental Implications: Loss of Trees

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers: Planning Application 09/1263/FUL

WARD AND WARD COUNCILLORS

**Ward Parkfield And Oxbridge
Ward Councillor Councillor M Javed**

**Ward Parkfield And Oxbridge
Ward Councillor Councillor R Rix**