

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**17<sup>th</sup> NOVEMBER 2010**

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

**10/2202/VARY**

**104 Yarm Lane, Stockton-on-Tees,**

**Application under Section 73 to vary condition no. 2 of planning approval 09/1057/FUL -**

**New food store with associated car parking and landscaping, to allow changes to approved plans**

**Expiry Date 23 November 2010**

### **SUMMARY**

Planning permission was granted under application 09/1057/FUL for the erection of a food store and ancillary development. The determination of this application was subject of deferral at Planning Committee which resulted in additional details being submitted to overcome two areas of concern in respect to highway safety and design.

This application is submitted to vary the previously approved plans. The variations mainly relate to the reduction of the store size, reorganisation of parking and the amendment to the design of the front elevation of the building.

There have been a total of 8 representations received from the local community, 7 letters of support, 1 letter of comment. The main comments are that the store will be beneficial to the area and will allow people to do their weekly shop locally.

The Head of Technical Services has recommended changes to the site layout as the amendments result in a greater proportion of parking to the rear of the store which will be less attractive to customers and amendments to the parking layout will require 3 point turns to be undertaken when using some spaces. It is suggested that landscaping is added and that landscaping is of a high quality.

The principle of the store has already been established under application 09/1057/FUL which remains to be extant. The overall site layout, whilst being able to be improved upon, is considered to be adequate, however, the design of the proposed store, specifically its front elevation, seeks to dilute the previously approved details which were approved following extensive discussions with officers and specific debate at committee. The revised frontage design removes brick pillars, a canopy and feature detailing to an elevation whilst details roof materials as being a single membrane roof in light grey. In view of the existing character of the street scene being dominated by robust Victorian properties which positively add to the quality of the environment and the proposed food store being immediately adjacent to a listed building, it is considered that this diluted design solution would be contrary to local policies which seek to prevent new developments from having an undue impact on the setting of listed buildings and which require developments to take into account the positive character of an area.

It is considered that with an amendment to the design of the building, back to that as previously approved or similar, would allow the application to be recommended for approval, however, requests for the necessary amendments have not been met by the applicant and as such, the application is recommended for refusal.

## **RECOMMENDATION**

Planning application 10/2202/VARY be refused for the following reason:

***In the opinion of the Local Planning Authority, the proposed development, by virtue of its design and appearance, would detract from the character of the street scene and setting of the adjacent listed building, being contrary to Saved Policy EN28 of the adopted Stockton on Tees Local Plan, Core Strategy Policy CS3 (Sustainable Living and Climate Change) and PPS1.***

## **BACKGROUND**

1. The site is currently a cleared plot of land formerly occupied by the Lords Tavern Public House and a group of workshop buildings.
2. A proposal was submitted solely for the Lords Tavern site under application 06/1507/OUT for a residential development. This application was refused due to its impact on the vitality and viability of the neighbourhood centre and due to insufficient amenity being achievable.
3. Planning was granted by committee under application 09/1057/FUL for the erection of a food store on the site and associated works including car parking. This application was initially considered by Planning Committee on the 22nd July 2009 with an officer recommendation to refuse for the following reasons;

***(a) In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate that the proposed development is of an appropriate scale to the area within which it is located, that there is a specific need for a retail store of this scale and has failed to satisfactorily assess alternative sites on a sequential basis. It is therefore considered that the proposal is inappropriately located and would result in an elevation of the centre within the retail hierarchy outlined in policy S1 and would detrimentally harm the vitality and viability of Stockton Town Centre being contrary to PPS 6, Regional Planning Guidance and saved Policies S1 and S2 of the Stockton on Tees Local Plan Alteration No.1***

***(b) In the opinion of the Local Planning Authority there has been insufficient detailed information submitted in respect to the impacts of vehicular and pedestrian traffic associated with the development and the impacts of accessing the site. The submission does therefore not adequately demonstrate that the scheme would not unduly affect highway safety or the free flow of traffic and is therefore considered to be contrary saved Policies GP1 and TR15 of the adopted Stockton on Tees Local Plan.***

***(c) In the opinion of the Local Planning Authority, the proposed development, by virtue of its design, appearance, form and layout, would detract from the character of the street scene and setting of the adjacent listed building, being contrary to Saved Policies GP1 and EN28 of the adopted Stockton on Tees Local Plan and PPS1 and PPG15.***

4. The application was deferred to consider further amendments in respect to the proposal.
5. Following amendments being made including details being added to the buildings front elevation, reason for refusal (b) and (c) as detailed above were removed from the recommendation. The application was approved by the Planning Committee subject to conditions. A copy of the elevation details of the approved scheme are shown at appendix reference 1.

## **PROPOSAL**

6. Planning permission is sought to vary condition no. 2 relating to approved plans of the food store approved under application 09/1057/FUL. The changes to the approved plans are as follows;
- A smaller store with a net sales area of 990 sq.m (135 sq.m reduction).
  - Reduced store width. (from approx. 36m to 31.3m)
  - Amendment to the car park layout, increasing the standard car park size, relocation of disable bays and general reorganisation of positions with more parking being to the rear of the site and less to the front. The changes include the reduction in parking spaces by 1.
  - Amendments to the position of the trolley parking for 'special trolleys'
  - Amendments to the buildings frontage design
  - Repositioning of the store (front elevation moved towards Yarm Lane by approx. 5m)

## **CONSULTATIONS**

Consultations were notified and comments received are summarised below:-

### **Head of Technical Services**

#### General Summary

7. There is no objection in principle to this application, all issues not considered in this response are deemed acceptable as part of the extant permission, however layout changes are recommended as detailed below.

#### Highways Comments

8. It is considered that this proposal deteriorates in layout terms from the approved scheme. This proposal is for a reduced size food store, and parking has reduced by 1 space. This level is within the maximum levels proposed in the Council's Supplementary Planning Document 3: Parking Provision in New Developments, it is considered that this level could be reduced and an improvement to the overall layout could be achieved by means of additional landscaping.
9. In particular, there is an increase in parking towards the rear of the store that is not as attractive for customers than at the front of the store. Should this area be full, it will result in drivers undertaking 3 point turns to exit this area; there are also no trolley park facilities in this area that could lead to customers leaving them in the parking area as there are no links through to any footpaths around the parking perimeter.
10. It is therefore recommended that changes to the overall layout should be considered in order to achieve an overall improved scheme.

#### Landscape & Visual Comments

11. We have no objections to the variations but again request high quality hard and soft landscaping to reflect the alterations to the external design.

## **PUBLICITY**

12. Neighbours were notified and 7 letters of support have been received as well as 1 letter of objection and 1 letter making comments. These are summarised below:-
13. Comments of support suggest there is a desperate need for a general food store in the area to serve this local community to allow elderly people and others within the community to shop more freely.
14. The fact that there is a car park and landscaping is a bonus which will enhance the area.
15. Residents are frustrated that there has been such a delay and are desperate to see the first signs of building.
16. The store is still beneficial to local residents creating a new and pleasant façade onto Yarm Lane.
17. Disabled people will not need to rely on others to do their weekly shop.

## **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

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

### ***Saved Policy EN28***

Development which if likely to detract from the setting of a listed building will not be permitted.

### ***Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change***

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
8. Additionally, in designing new development, proposals will:
  - Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
  - Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
  - Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
  - Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

## **SITE AND SURROUNDINGS**

18. The 0.47 ha vacant site is located off Yarm Lane which acts as a major transport route into Stockton Centre from the south and west. Yarm Lane and the nearby Yarm Road are dominated by 2 and 3 storey Victorian properties mainly within commercial and residential use, although other more modern development is also located within the surrounding area.
19. Immediately to the west of the site lies a listed building (106 Yarm Lane) which currently operates as a medical practice. An access road and car repair garage (Kwik Fit) front Yarm Lane to the east. Two storey Victorian terraces lie to the rear of the site although demolitions have been taking place which has significantly reduced the number of properties here since the earlier approval and this area has become visible from Yarm Lane following the demolitions undertaken on the application site.

## **MATERIAL PLANNING CONSIDERATIONS**

### ***Principle of Development***

20. The provision of a food store of this general scale was previously considered by the Local Planning Authority under application reference 09/1057/FUL. Due to its size and it being

located within a neighbourhood centre, away from the town centre, the application was placed before committee with a recommendation to refuse. Following consideration by committee the application was approved subject to conditions and a section 106 agreement relating to off site highway works.

21. Whilst there has been both a local and national policy change since the approval of the previous application, it remains to be an extant consent. This proposal is for essentially the same form of development as previously approved and as such, it is considered that the principle of development is established. The key considerations in respect to this proposed variation therefore relate to the specific areas of change, these being the reduction in the size of the store, alterations to the car park and landscaping and amendments to the building design. These and other material planning considerations are considered as follows;

#### ***Reduction in store size and movement of footprint***

22. The reduction to the size of the store is considered to be beneficial, due to a reduced impact on the town centre and the reduction in building size. The front elevation of the store is being moved forward by approximately 5m which will result in it being more reflective of the building line of the adjacent listed building. This revised building line is considered to be generally acceptable as it will fit with its surroundings, however, this will result in the proposed building having a greater impact on the setting of the adjacent listed building, a matter considered in following paragraphs.

#### ***Changes to the approved parking and landscaping layout***

23. The changes to the approved scheme have reduced the overall parking by 1 space which remains to be at the higher end of provision which policy would support. In addition, it has more than doubled the amount of parking to the rear of the store, away from the entrance and away from the trolley park. The revised parking also details 3 spaces at the rear which would need to undertake a 3 point turn for egress.
24. The Head of Technical Services considers these changes to be a detrimental change to the approved scheme, being less attractive to customers. It has been suggested to the applicant that parking could be reduced to achieve a better and more usable provision and although noted, the applicant considers that the scheme does not require change taking into account the previous scheme having parking within this rear area and the intention to use trolleys which require a £1 deposit which should ensure they are taken back to the trolley park on the opposing side of the store. Whilst officers remain to be of the opinion that these elements of the scheme could be improved upon without significantly affecting to the overall scheme, these matters were raised as potential improvements and would not amount to a reason for refusal.
25. The landscaping has been marginally affected as a result of the revised parking layout. This has reduced the landscaping at its narrowest point adjacent to Yarm Lane although has increased the planting area immediately adjacent. The Head of Technical Services requested that high quality hard and soft landscaping be provided and the applicant was requested to consider the removal of 1 parking space in this location and the increase of planting in order to prevent a pinch point between the car parking and the perimeter wall. The applicant has been unwilling to agree to this, however, this is not considered to be sufficient reason to warrant refusal of the application in its own right.

### ***Changes to the design of the buildings frontage***

26. During the processing of the earlier approved application 09/1057/FUL there was extensive debate in respect to the appearance of the building, in particular its frontage, taking into account it being located immediately adjacent to a listed building and being within a street scene which is in the main dominated by Victorian properties. Recommendations initially included a reason for refusal based on the design and appearance of the building and amended plans were submitted which overcame these concerns.
27. The importance of adopting a design-led approach to comprehensive redevelopment is fully recognised in Planning Policy Statement 1: Delivering Sustainable Development which states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The Guidance goes onto to say that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
28. The character of the area is defined by Yarm Lane being a major feeder road into the town with a wide corridor width, surrounding buildings which are predominantly Victorian terraces of 2 and 3 storey heights and by some mature landscaping. Other influences on character are the more dispersed commercial properties, some of which are considered to be detrimental to the appearance of the surroundings.
29. The site is located between the two extremes of built form within the area, these being the Listed Building of 106 Yarm Lane which is a well detailed and maintained Victorian Villa and Kwik Fit which is a vehicle repair garage of a relatively modern and functional appearance with no architectural merit.
30. It is considered that any redevelopment of this site should make a positive contribution to the character of the area and the design concept should recognise the need to integrate and enhance the local environment which is compounded by the site lying adjacent to a listed building, the preservation of the setting of which is an important consideration under Local Plan Policy EN28.
31. The revised scheme which is the consideration of this report has removed a canopy from part of the front elevation, removed brick pillars from between shop front glazing panels and removed recessed panel detailing and windows from the secondary gable facing Yarm Lane. Whilst the overall proportions of the building remain reflective to that of the approved frontage, it is considered that these changes dilute the buildings design which had been focussed on by both officers and Committee Members alike. Victorian buildings by design have a robust and substantial appearance and the removal of the brick pillars alters the appearance of the frontage. The loss of the canopy removes a feature which assisted in breaking up the buildings mass whilst the detailing within the secondary gable was intended to add interest to an otherwise blank wall facing Yarm Lane. In addition to these, the roofing materials are detailed as being a single membrane roof which is not considered to be acceptable for a building of this design immediately adjacent to a listed building. It is considered that the precise detailing undermine the overall appearance of the building, weaken its integrity within an area where there is a relatively common vernacular of architecture and will detrimentally affect the setting of a listed building. These impacts are emphasised by the prominent position of the site.
32. Officers are looking to support this proposal taking into account the previous approval, and subject to necessary changes being made to building design, would have been in a position to recommend the application for approval, in line with the letters of support received. However, to date, the applicant has been unwilling to make the changes as requested and as such officers consider the scheme does not adequately take into account the quality of the

surrounding built environment and its impact on the setting of the adjacent listed building, thereby being contrary to Core Strategy Policy CS3 (8) which requires new development to respond positively to existing historic features and local character and Saved Local Plan Policy EN28 which advises development likely to detract from the setting of a listed building will not be permitted.

### ***Other Matters***

33. It is considered that the proposed changes would not increase any impacts of the development on surrounding uses from those which would have occurred from the implementation of the earlier approval and remain to be generally acceptable.
34. In line with the Planning Obligations Supplementary Planning Document, development of this nature would normally need to source a percentage of labour and the supply chain from the local area. However, taking into account there being no such requirement on the extant planning permission and this being a reduction to that scheme, it is considered that were permission to be granted that this requirement should not be imposed.

### **CONCLUSION**

35. The principle of the development has been established by a previous application. Changes to the car park layout and landscaping details could be improved upon, however are not considered to warrant the refusal of the application. Changes to the building design are considered to dilute the design philosophy for the building, thereby weakening its character and resulting in it not having sufficient positive contribution to the character of the street scene and having a detrimental impact on the character of the adjacent listed building. It is therefore considered that the proposed development would be contrary to Local Plan Policy EN28, Core Strategy Policy CS3 and general guidance contained within PPS1. It is therefore recommended that the application be refused.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

### **IMPLICATIONS**

**Financial Implications:** None.

**Environmental Implications:** As report.

**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 history.



**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Stockton Town Centre</b>
<b>Ward Councillor</b>	<b>Councillor D. W. Coleman, Councillor P. Kirton</b>