

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

12 DECEMBER 2012

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

12/2564/COU

111 High Street, Yarm,

Revised application for conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and covered area, construction of new single storey rear extension. Raising of front door head height.

Expiry Date 21 December 2012

SUMMARY

This revised planning application seeks planning permission for conversion and change of use of the existing dwelling into a dental practice (D1 Use Class) at No 111 High Street, Yarm. The scheme also includes the demolition of a small single storey rear annexe and covered area, and the construction of a new single storey rear extension. Within the front elevation, the works include raising of the front door head height by approximately 29 cm and the installation of a new timber access door.

The application site is a three storey, mid terraced, Grade II Listed Building located along Yarm High Street. The property is adjoined by No 107-109 to the south (retail/food shop) and No 113 to the north (retail/clothes shop) with the highway (High Street) to the front (east). The residential properties at 1, 2 and 3 Holmedene (which are located within the Protected Residential Zone) face onto the rear of the application site and courtyard area.

The main planning considerations with respect to this application are the principle of development in relation to the relevant Development Plan policies, the impact on the character and appearance of the existing listed building and surrounding Conservation Area (including the setting of Listed Buildings), the impact on the amenity of existing and future occupiers of neighbouring properties, and the impact on highway safety (and car parking provision), the impacts of the site location within a Flood Zone, and any residual matters.

27 written objections have been received. An objection has also been received from Yarm Town Council. These objections primarily relate to the impact on the character and setting of the existing building and surrounding area, the impact on the amenity of neighbouring properties (particularly the properties within Holmedene) and the principle of development (loss of residential use).

6 written representations of support have been received, relating to the positive impact of the proposed development which would bring an empty building back into use.

The Council's Historic Buildings Officer has no objections to the scheme in terms of the impact on the character and appearance of the building and the courtyard. Tees Archaeology has no objection to the scheme. The Head of Technical Services has no objections in terms of highway safety and Landscape subject to the retention and supplementation of additional buffer planting. The Council's Environmental Health Unit has no objections in principle to the scheme.

It is considered that the scheme does not lead to an unacceptable loss of amenity, does not have a significant adverse impact on the character and setting of a listed building and the surrounding Conservation Area. It is also considered that the proposal will not lead to an adverse loss of highway or pedestrian safety or impact on flooding. It is therefore considered that the proposal accords with the relevant Development Plan policies.

The application is therefore recommended for approval subject to planning conditions as set out below.

RECOMMENDATION

That planning application 12/2564/COU be approved subject to the following conditions and informatives below;

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>26 October 2012</i>
<i>001 REV A</i>	<i>22 November 2012</i>
<i>002 REV A</i>	<i>22 November 2012</i>
<i>003 REV A</i>	<i>22 November 2012</i>
<i>004</i>	<i>26 October 2012</i>
<i>005</i>	<i>26 October 2012</i>

Reason: To define the consent.

02. *Supplementary Soft Landscaping Scheme*

Notwithstanding the submitted information and prior to the commencement of the development of the proposed single storey rear extension, full details of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works for new evergreen shrub along the northern elevation of the proposed single storey extension where the existing picnic bench is to be removed and where any of the existing planting is damaged or necessarily removed during construction works. The planting scheme shall be carried out in accordance with the recommended species and stock size that are detailed within Informative 01 of the decision notice. The agreed soft landscaping scheme shall be implemented on site within the first planting season following the substantial completion of the single storey extension hereby approved.

The detailed planting plan should indicate plant species, numbers, densities, locations, stock size and type. All works shall be carried out in accordance with the approved plans. The scheme shall be completed in the first planting season following commencement of the development and shall be maintained to a minimum height of between 2m and 2.2m from the given ground.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and to accord with Policy CS3.

03. Finishing colour of proposed access door

Notwithstanding the submitted information and prior to the proposed access door facing onto the High Street being installed, the final finishing materials and colour scheme for the proposed access door shall be submitted to and agreed in writing with the Local Planning Authority. The door shall then be installed in accordance with the agreed details.

Reason: In order to safeguard the special architectural or historic interest of the building and the visual amenity of the surrounding conservation area, in accordance with the provisions of Core Strategy Policy CS3.

04. Recording of a heritage asset through a programme of archaeological works

i) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions including;

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

ii) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (i).

iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (i) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason; In the interests of protecting and recording any potential archaeological findings within the site.

05. Materials to match existing building

All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the adjacent materials/finishes with regard to the methods used and to material, colour, texture and profile. The materials shall be completed in accordance with those specified on plan 002 REV A (dated 22nd November 2012).

Reason: In order to safeguard the special architectural or historic interest of the building and the visual amenity of the surrounding area, in accordance with the provisions of Core Strategy Policy CS3.

06. Control of hours of use

The premises to which this permission relates shall not be open for business outside the hours of 0900 hours and 1730 hours Monday to Friday, nor at any time on Saturdays, Sundays or Bank Holidays.

Reason: To ensure that adjacent residential properties are not adversely affected by the development.

07. Restriction of use

Notwithstanding the provisions of the Town and Country Planning Use Classes Order (General Permitted Development) Order 2005 (or any order revoking and re-enacting that order), the development hereby approved shall be used specifically for a dental practise and for no other use within the D1 Use Class.

Reason: In order that the Local Planning Authority may retain control in safeguarding the vitality and viability of Stockton Town Centre and to safeguard the amenity of surrounding properties to which the consent is based.

08. Layout of scheme in accordance with agreed details

The proposed scheme shall be carried out in accordance with the approved plans including the agreed floor plan layout of the building and the siting of Surgery 1 (within the ground floor single storey rear extension) and Surgery 2 (first floor level), as indicated on approved plan 002 REV A (dated 22nd November 2012).

Reason; To ensure a satisfactory form of development and to prevent any changes to the agreed layout that the consent is based on.

09. Hours of construction

All construction operations including delivery of materials on site shall be restricted to 0800 – 1800 hours on weekdays, 0900 – 1300 hours on a Saturday and no Sunday or Bank Holiday working.

Reason; In the interests of the amenity of neighbouring properties.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

General Policy Conformity

The proposal has been considered against the policies and documents identified below. It is considered that the scheme accords with these policies and that the principle of development is acceptable. It is considered that the scheme does not lead to an unacceptable loss of amenity for existing or future occupiers of neighbouring land users in terms of outlook, overlooking, overbearing, overshadowing and noise disturbance. It is also considered that the proposed use does not have a significant adverse impact on the character and setting of a listed building and the surrounding Conservation Area. It is further considered that the proposed scheme will not lead to an adverse loss of highway or pedestrian safety. The proposed scheme is also considered to address any issues of flooding. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 2 (CS2): Sustainable Transport

Core Strategy Policy 3 (CS3): Sustainable Living

Core Strategy Policy 10 (CS10): Environmental Protection and Enhancement

Saved Policy EN24 - Conservation Areas

Saved Policy EN26 – Alterations, extensions to a Listed Building

Saved Policy EN28 – Setting of Listed Buildings

National Planning Policy Framework

Informatives to applicant;

Informative 01; recommended ever green species

In accordance with condition 02 (condition 03 of the decision notice) and with respect to the requisite supplementary planting on the north side of the single storey rear extension, evergreen shrub planting is recommended.

All the existing planting shall be protected during the works and any damaged planting must be replaced once the works have been complete with details to be agreed in accordance with the requirements of condition 02. It is likely some planting may need to be removed to carry out the works that should be providing with replacement planting. The existing bench should be removed and the area given over to planting to increase the effectiveness of the planting scheme.

This replanting should be completed using large container stock of 10-15 litre size stock and include some large evergreen shrub species with an upright habit such as Photinia x fraseri 'Red Robin', Prunus laurocerasus 'Herbergii' (Laural) and Viburnum tinus 'Eve Price'. A good depth of topsoil of at least 450 mm must be provided to assist with plant growth.

Informative 02; Tree Protection Informative; prohibited works to retained ornamental pine tree within Root Protection Zone (taken as the canopy spread in this instance)

In order to ensure both tree and root protection of the existing ornamental pine tree adjacent to the siting of the proposed single storey extension, sufficient space must be assigned for all site activities; the following works should not take place within the Root Protection Zone (to be taken as the canopy spread) of the adjacent tree under any circumstances;

- * Storage, movement or working of equipment, signage, structures, barriers, materials, components, vehicles or machinery within the canopy spread.
- * Fires being lit or allowed to burn within 10m of the canopy spread.
- * 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 (taken to be the canopy spread).

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

BACKGROUND

1. 90/1404/P; Planning application for a change of use from a dwelling to a shop at ground floor level with residential use above was refused by the Local Planning Authority on 20th July 1990; the subsequent appeal was allowed, decision dated 11th July 1991. There are no planning records for the property reverting back to a full residential use.
2. The following applications were withdrawn on 24th August 2012. following concerns raised by the case officer with respect to the scale and siting of the proposed single storey rear extension and the impact on the amenity of neighbouring properties.
3. 12/1726/COU Conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and construction of new single storey rear extension. Raising of front door head height, withdrawn 24th August 2012.
4. 12/1727/LBC Listed building consent for the conversion of existing dwelling into dental practice. Demolition of small single storey rear annexe and construction of new single storey rear extension. Raising of front door head height, withdrawn 24th August 2012.
5. An associated Listed Building Consent application (reference 12/2565/LBC) has also been submitted and is currently pending consideration

SITE AND SURROUNDINGS

6. The application site is a three storey, mid terraced, Grade II Listed Building (identified in the listing description as an early-mid C18 altered property) located along Yarm High Street. The property is adjoined by No 107-109 to the south (retail/food shop) and No 113 to the north (retail/clothes shop, also a Listed Building) with the highway (High Street) to the front (east). The property features a small, single storey lean to annexe extension on the rear elevation with an enclosed rear yard area beyond that consists of an approximately 1.9m high trellis fence with approximately 2.15m high plastic sheet covering and a landscape buffer of planting (approximately 2.3m deep) between the trellis and the walkway to the front of No 1 Holmdene. The area of planting is broken by the provision of a picnic/seating bench with potted plants.
7. The rear yard and the properties of Holmedene are accessed by a passageway that runs from the High Street and below No 113. The residential properties of 1, 2 and 3 Holmedene (located within the Protected Residential Zone) face onto the rear of the application site and courtyard area. A detached, pitched roof storage structure is sited to the west of the existing courtyard area in addition to the siting of an ornamental pine tree (not protected by an individual Tree Protection Order).

PROPOSAL

8. This revised application seeks planning permission for conversion and change of use of the existing dwelling into a dental practice (D1 Use Class). The scheme also includes the demolition of a small single storey rear annexe and covered area, and the construction of a new single storey rear extension. Within the front elevation, the works include raising of the front door head height by approximately 29 cm and the installation of a new timber access door.
9. The single storey rear extension will follow a similar footprint to the existing covered area and annexe extension; the main element of the proposed extension (on the footprint of the

existing enclosed yard area) would measure approximately 6m in length x 3.1m in width x 3m in height primarily with a dual pitched roof. Although the end of the extension would be constructed with a hipped roof that would pitch back towards the main ridge height of the proposed extension. The proposed roof eaves height would be 2.2m and would feature 5 velux roof lights with 1 timber double glazed sliding sash window in the rear (west) elevation. As noted above, the existing single storey annexe extension (adjoining the main/original rear elevation of the building) is to be demolished and replaced with the proposed single storey element measuring approximately 2.5m in projection (that would adjoin the 6m element as detailed above) x 5.6m in width x 3.4m in height with a lean to roof. This element of the proposal would feature 1 velux roof window and would follow a similar footprint to that of the existing annexe extension.

10. The submitted plans indicated that the proposed extension would be finished in a painted render with the colour and finish to match those of the existing building, including roof tiles. The plans also indicate that that additional supplementary planting will be provided in place of the existing picnic bench and that all existing and proposed planting would be maintained at a minimum height of 2m-2.2m.
11. The proposed floor plans indicate the provision of a reception, toilet, sterilisation room and surgery 1 on ground floor level (surgery 1 being sited within the proposed single storey rear extension) with surgery 2 on second floor level and a staff room and toilets on the second floor level.
12. Following the submission of the original submitted scheme for the current application, the applicant has submitted revised plans omitting 2 air conditioning units from the rear elevation of the extension. The applicant's agent has confirmed the applicant's use of quiet drill technology is currently employed in the existing working practise at 117 High Street (first floor above No 115) and that the existing practise would re-locate to the current application site.

CONSULTATIONS

13. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

General Summary

Subject to the comments below Technical Services have no objections.

Highways Comments

Public car parking is available nearby; there are no highway objections.

Landscape & Visual Comments

The retained existing planting down the side of the building will assist in screening the main views to the extension and reduce the visual impact of the development, and therefore there are no landscape and visual objections to this development.

All the existing planting must be protected during the works and any damaged planting must be replaced once the works have been complete. It is likely some planting may need to be removed to carry out the works and this would be acceptable providing replacement planting is provided. The existing bench should be removed and the area given over to planting to increase the effectiveness of the planting scheme.

This replanting must be done using large container stock of 10-15 litre size stock and include some large evergreen shrub species with an upright habit such as Photinia x fraseri 'Red

Robin', Prunus laurocerarsus 'Herbergii' (Laural) and Viburnum tinus 'Eve Price'. A good depth of topsoil of at least 450 mm must be provided to assist with plant growth. The planting should be maintained to a suitable height i.e. eaves height 2m-2.2m. A landscape scheme is requested as per the condition wording below in the informative section.

LANDSCAPING - SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be 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 LPA in writing in the first planting season following: commencement of the development or agreed phases 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.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Noise disturbance from the premises

The opening hours should be limited to the times indicated on the application form to ensure that adjacent premises are not adversely affected by customers using the premises.

Conservation and Historic Buildings Officer

The main heritage implications of the application are the affect of the works on the designated heritage assets of the grade II listed 111 High Street and the Yarm conservation area.

The property is a grade II listed building identified in the listing description as an early-mid C18 altered property. It has an attractive appearance facing Yarm High Street in a typical early Georgian domestic scale in comparison to some of the grander Georgian buildings found on the High Street. Many of which have significant large often two storey extensions to the rear.

Policy

The NPPF states that in determining planning applications, local planning authorities should take account of:

'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

'the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Significance is defined as the value an asset has because of its heritage interest, while defining heritage interest as architectural, archaeological, historic or artistic interest. The NPPF also clearly identifies that the setting of heritage assets should be conserved for the value it brings to the various aspects of heritage interest. English Heritage (EH), have produced specific guidance on the setting of heritage assets (2011), in which it is made clear that the setting of a heritage assets is not a fixed envelope but should be assessed relating to the potential impacts of individual developments; it is also clear that it should not just be equated with visibility but should also consider a range of other issues such as noise and spatial relationships.

The main heritage considerations are therefore whether or not the works would cause harm to the appearance, setting or significance of the grade II listed building and to the amenities of the wider Yarm Conservation Area, the designated heritage assets.

Impact on heritage assets

The proposed extension proposes little physical change to the listed building in terms of works to the existing structure of the house. The raising of the head height of the front doorway will not affect the significance of the property, the appearance of the property will be largely as existing from the High Street elevation. Such alterations are often required to suit modern building regulations and keep properties in active use, the works are minimal and are not considered to affect the significance or appearance of the listed building.

Consulting the historic maps the yard area directly to the rear has always had built structures which would have been associated with the building fronting the High Street. The 1897 OS map shows continual built structures (due to the size and form may be privies or coal houses) on the northern boundary with Holmdene running for 36m.

The Wynds running at right angles to the High Street are composed of smaller dwellings usually of lesser importance than those facing the High Street the neighbouring terrace of Holmedene representing this historic development pattern.

Many of the buildings sitting to the rear of the High Street have been subject to alteration and extension. Only towards the far extremes of the burgage plots are there no structures a common layout of the burgage plots of Yarm.

The extension would undoubtedly alter the appearance of the property on the rear elevation. However, this extension replaces an existing modern annexe and yard area therefore the principle of extension to the property has previously been accepted. The extension is a single story building, which retains the landscape buffer and general spatial relationship to Holmdene. The design of the extension and proposed materials match with the existing property and it is not considered that the extension will be overly incongruous to the existing building.

Turning to the impact on the Yarm Conservation Area, as previously stated the historic pattern of the Wynds concentrates built development towards the High Street with buildings reducing in

height and status towards the back of the historic burgage plots, ending in garden areas. The extension would be in keeping with this arrangement. With regard to the single storey behind the existing taller High Street frontage, the scale and form of the extension is appropriate for the building and retains sufficient breathing space for the building and the extension will be largely screened by the proposed planting buffer

Conclusion

The spatial relationship of the existing building and neighbours will not significantly alter through the proposal. The extension is single storey in height and does not involve any significant changes to the structure of the listed building.

I do not consider that the extension will adversely affect the character and appearance, significance or setting of the listed building or the Yarm Conservation Area. I consider that the proposal conforms with the NPPF and I therefore raise no objection to the proposal.

Tees Archaeology

Please accept earlier comments for 12/1727/LBC.

The development lies within the historic medieval town of Yarm. The town takes the traditional Norman layout of two rows of properties laid out along either side of a broad High Street. The properties will have been in continuous use since at least the 13th century. Archaeological excavation in the rear plots of these properties is usually productive with good preservation of medieval material. For example archaeological excavations at 101 High Street in 1981 revealed evidence for a medieval building, an iron working site and associated finds.

The proposal is for an extension to the rear (approximately 8m x 6m). The foundations for this extension are likely to expose and destroy archaeological features associated with the medieval town. In this case I would recommend that the developer arranges for archaeological monitoring during the development in order that any remains are properly recorded prior to their destruction. This is in line with the advice given in the National Planning Policy Framework Para. 141.

I would recommend a planning condition to secure this work, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

- No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

The programme and methodology of site investigation and recording

The programme for post investigation assessment

Provision to be made for analysis of the site investigation and recording

Provision to be made for publication and dissemination of the analysis and records of the site investigation

Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

- No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

- The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

I attach a brief for the archaeological monitoring along with a list of contractors who are able to tender for works in the area.

Councillor Sherris
Councillor Ben Houchen
Councillor Mark Chatburn

No comments received.

Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Yarm Town Council

The Yarm Town Council wishes to object to the proposed development at number 111, The High Street, Yarm (applications 12/2564/COU and 12/2565/LBC)

Number 111, The High Street, is one of the very few remaining examples of the, Yards, opening off Yarm High Street and, as such, is a part of the Towns heritage that should be preserved. It is also one of the last of the original private dwellings at ground-level on the High Street as opposed to the later creation of apartments above commercial premises. To allow the proposed development would be detrimental to the character of the High Street and to its ambiance.

PUBLICITY

14. 27 written objections have been received from the owner/occupiers of No's 1 (x3) and 2 Holmedene (x 2), 127 High Street Yarm, 44 West Street Yarm (Yarm Civic Society), West Clock House Leven Road Yarm, 18 Merlay Close Yarm, 120A High Street Yarm, 16 Mount Leven Road Yarm, 684 Yarm Road Eaglescliffe, 60 Grassholme Way Eaglescliffe (x2), St Annes House The Green Eaglescliffe (x2), 12 Strathaven Drive Eaglescliffe, 12 The Green Kirklevington (x3), 5 Barrack View Richmond, 9 Gypsy Lane Marton (x2), 64 Pelham Street Middlesbrough, 24 Laughton Road Horsham Sussex, 13 High Street Great Ayton, Lingers Low Church Lane Fylingthorpe Whitby, 110 Blackwell Lane, Darlington, 3 Moor Close Kirklevington, 3 Moor Close Kirklevington, 9 Portland Close Eaglescliffe, 18 and 54 (x2) Northallerton Road Northallerton, 12 Strathaven Drive Eaglescliffe, 8 Church Garth Great Smeaton. In addition to the 27 objections, an objection has also been received from Yarm Town Council.

These objections can be summarised as follows

- the scheme is not suitable for area, and constitutes over development of the site/back-land development
 - the proposal will be out of character with the historic setting of the rear courtyard, the surrounding area and the design of the adjacent properties.
 - Insufficient information has been submitted with respect to the impact on the listed building/heritage asset. A letter of representation from No 1 Holmdene disagrees with the comments of the Council's Historic Buildings Officer.
 - the proposal will have an adverse impact upon the amenity and privacy of the neighbouring properties (in particular the amenity of No 1 Holmedene) in terms of overbearing, overlooking, noise disturbance and odour nuisance. The proposal would be contrary to Policy GP1
 - In terms of noise disturbance, the scheme is contrary to PPS24 and a noise survey should be carried out
 - The scheme will affect the courtyard which is the only outdoor space serving the properties of Holmedene. The courtyard is protected by covenants and property deeds, although this is acknowledged in the representations from No's 1 and 2 Holmdene.
 - Any windows should be fixed and obscurely glazed
 - Impact on water supplies
 - property devaluation
 - impact on existing landscaping
 - proposal would set an undesirable precedent
 - impact on car parking, and access for disabled users
 - Impact on human rights/Right to Light
 - Impact on car parking/exacerbate existing car parking issues
 - proposed business is concerned primarily with private, cosmetic dental work and is not providing a necessary public service
 - Concerns over means of fire escape
15. 6 written representations of support have been received from the occupiers of 2 Knebworth Court, Ingleby Barwick; 48 Guildford Road Normanby Middlesbrough; 51 Forest Lane, Kirklevington (x2); 27 Mayfield Crescent, Eaglescliffe; Tees Villa Aislaby Road, Eaglescliffe (the applicant) and 91 Valley Drive, Yarm.

The letters of support state that the scheme will provide a much-needed service, investment into the Borough, suitable for elderly and disabled users and for parents with pushchairs. The letters of support also indicated that the proposal would also return the building back to its former commercial use and that the precedent for extensions to properties within the Conservation Area has been established to the rear of adjacent properties.

PLANNING POLICY

16. 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 saved policies of the Stockton on Tees Local Plan
17. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the

development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

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

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.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

Saved Policy EN24

New development within conservation areas will be permitted where:

1. The siting and design of the proposal does not harm the character or appearance of the conservation area; and
2. The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Saved Policy EN26

Alterations, extensions and changes of use to listed buildings will be permitted where the proposals are in keeping with the character and appearance of the original building, and its architectural or historic interest is not adversely affected.

Saved Policy EN28

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

MATERIAL PLANNING CONSIDERATIONS

19. The main planning considerations with respect to this application include the principle of development in relation to the relevant Development Plan policies, the impact on the character and appearance of the existing building and surrounding Conservation Area (including the setting of Listed Buildings), the impact on the amenity of existing and future occupiers of neighbouring properties, and the impact on highway safety, the impact on Flooding and any residual matters.

Principle of development and the relevant Development Plan Policies

20. The relevant Development Plan Policies are adopted Core Strategy Policies CS2, CS3 and CS10 in addition to saved Policies EN24, EN26 and EN28 of the adopted Local Plan.
21. Saved Policy S8 of the adopted Stockton on Tees Local Plan sets out the relevant planning policy with respect to the change of use from retail uses to other uses within the defined Yarm District Centre. Given that the scheme does not result in the loss of retail units within the defined Yarm High Street retail frontage the proposal in accordance with this policy
22. Saved Policy S9 of Alteration No 1 to the adopted Local Plan (2006), relates to the Residential Protection Zones (RPZ) within Yarm District Centre. These protected properties include No's 1, 2 and 3 Holmedene that lie adjacent to the current application site (as indicated on the plan within the appendix 10).
23. Objections have been received with respect to the loss of the residential use of the property and that such a loss would be contrary to planning policy.). However, and most significantly, the current application site is located outside of the RPZ for Yarm as defined by saved Policy S9 therefore the proposal is in accordance with this policy.
24. The protection of the existing residential properties within Yarm (that excludes the current application site) is maintained within the recently published and emerging Regeneration and Environment Local Development Document (LDD) Preferred Options Draft; draft Policy TC6 (Development and Change of Use within the District Centres). Whilst Draft Policy TC6 and the LDD can be accorded limited weight, it is noted that in comparing the properties to be retained within the draft LDD and those defined within the saved Policy S9 remain unchanged as indicated on Inset Map 3 that accompanies the draft LDD (attached within the appendix 11).
25. The National Planning Policy Framework states that "*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable*

growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

26. In order to achieve sustainable economic growth, the Government's objectives for planning include *"delivering more sustainable patterns of development by reducing the need to travel, especially by car and respond to climate change"*. The NPPF defines economic development as development within *"public and community uses and main town centre uses"*. A Dental surgery is a D1 class use and the proposed use would attract visiting members of the public and is considered to be a public and community use that would be suitably located in a centrally located area and defined local centre, such as Yarm District Centre.
27. In view of the above policy considerations, it is considered that the principle of development (change of use from residential to dental surgery) is acceptable subject to the proposal satisfying other material considerations as set out below.

Impact on existing listed building, surrounding area conservation area and setting of other listed buildings

28. As noted above, the property is a Grade II Listed Building. Saved Policies EN24, EN26 and EN28 of the adopted Local Plan seek to protect the character and appearance of the original listed building, to ensure that its architectural or historic interest is not adversely affected as well as safeguarding the character and appearance of the surrounding Yarm Conservation Area and the setting of other listed buildings.
29. The external alterations to the front elevation of the property consist of raising the door head height in the front elevation by approximately 29 cm with the installation of a new timber access door, final details (materials, colour scheme) could be secured by a planning condition. These are considered to be modest alterations to the existing Listed Building and are not considered to adversely affect the character and appearance of the existing building and the proportions of the application site or the visual amenity of the surrounding conservation area. This view is supported by the Council's Historic Buildings Officer (HBO) who has commented that *"the raising of the head height of the front doorway will not affect the significance of the property, the appearance of the property will be largely as existing from the High Street elevation. Such alterations are often required to suit modern building regulations and keep properties in active use, the works are minimal and are not considered to affect the significance or appearance of the listed building"*.
30. The proposed single storey extension to the rear is considered to feature a modest pitched roof design (with a hipped end roof) and a number of velux roof lights and a set of sliding sash windows in the rear elevation of the proposal. The submitted plans indicate that the proposed extension would be a painted render finish to match the existing building, in addition to pantile roof tiles and a timber glazed sliding sash window, details of which could be ensured by a planning condition to ensure that the materials match those of the existing building by way of material, colour, texture and profile. The proposed extension would also be sited on a similar footprint to the enclosed rear yard that serves the property and the hipped roof end would be sited opposite the detached, dual pitched roof outbuilding opposite No's 2 and 3 Holmdene.
31. The Council's Historic Buildings Officer notes that the extension would undoubtedly alter the appearance of the property on the rear elevation however has emphasised that *"the extension is a single story building, which retains the landscape buffer and general spatial relationship to Holmdene. The design of the extension and proposed materials match with the existing property and it is not considered that the extension will be overly incongruous to the existing building"*. With respect to the impact on the historic fabric of the building, the

Historic Buildings Officer has advised that "the proposed extension proposes little physical change to the listed building in terms of works to the existing structure of the house".

32. Furthermore, the proposed plans indicate that the existing buffer strip of planting would be retained and enhanced as part of the scheme; the Council's Landscape Officer has commented that "the retained existing planting down the side of the building will assist in screening the main views to the extension and reduce the visual impact of the development, and therefore there are no landscape and visual objections to this development".
33. The Landscape Officer considers that it would be necessary to supplement the existing planting with mature species, at a retained height of approximately 2m-2.2m (2.2m high being the eaves height of proposed extension), which could be secured by a planning condition. The protection of the existing planting where feasible and the provision and maintenance of supplementary planting as detailed above would be secured by a composite planning condition and associated informative. In view of the above considerations, it is considered that the retention of the existing planting with additional planting would assist in breaking up views to the proposal, particularly when viewed from the adjacent properties of Holmedene.
34. In view of the above considerations, it is considered that the proposal would not lead to an adverse impact on the character, appearance and setting of the listed building and the visual amenity of surrounding properties.
35. It is noted that a number of neighbouring properties feature extensions to the rear of various design and scale, the majority of which are historical. It is noted that the adjacent property of No 109 features a lean to roof single storey extension to the rear whereby the lean to roof design sits below the first floor window,
36. Whilst the proposal would not be visible from the front of the main building on the High Street, it is important to recognise the character and setting of the Holmedene properties; the Council's Historic Building's Officer (HBO) has commented that in consulting the historic maps "the yard area directly to the rear has always had built structures which would have been associated with the building fronting the High Street. The 1897 OS map shows continual built structures (due to the size and form may be privies or coal houses) on the northern boundary with Holmdene running for 36m". The HBO has also noted that "the Wynds running at right angles to the High Street are composed of smaller dwellings usually of lesser importance than those facing the High Street the neighbouring terrace of Holmedene representing this historic development pattern. Many of the buildings sitting to the rear of the High Street have been subject to alteration and extension. Only towards the far extremes of the burgage plots are there no structures a common layout of the burgage plots of Yarm".
37. With respect to the impact on Yarm Conservation Area, the Council's HBO has commented that "the historic pattern of the Wynds concentrates built development towards the High Street with buildings reducing in height and status towards the back of the historic burgage plots, ending in garden areas. The extension would be in keeping with this arrangement (of) single storey extensions behind the existing taller High Street frontage. The scale and form of the extension is appropriate for the building and retains sufficient breathing space for the building and the extension will be largely screened by the proposed planting buffer".
38. The HBO therefore raises no objections to either the current application concluding that the "the spatial relationship of the existing building and neighbours will not significantly alter through the proposal. The extension is single storey in height and does not involve any significant changes to the structure of the listed building. I do not consider that the

extension will adversely affect the character and appearance, significance or setting of the listed building or the Yarm Conservation Area...the proposal conforms with the NPPF".

39. In view of the design and scale of the proposal being considered acceptable in relation to its impact on the existing building, and taking into account the footprint and siting of the extension, it is further considered that the proposal would not introduce a significant incongruous feature into the area, detract from the setting of the adjacent listed building (No 109), the proposal would introduce a satisfactory form of development, and that the proposal accords with saved Policies EN24, EN26, EN28 and Core Strategy CS3.
40. The proposal would not enclose any additional land or the courtyard beyond the footprint of the existing enclosed yard space, and in view of the site being located within the defined limits, it is considered that the proposal does not constitute over development and is not contrary to the provisions of the NPPF (with respect to 'garden grabbing').

Other Landscape features

41. With respect to the one stand alone ornamental pine tree to the rear of the proposed extension, the submitted plans indicate that the tree will be retained. It is considered that the tree assists maintaining the character of the existing courtyard. The protection of this tree during construction works can be detailed by way of an informative (no works within the Root Protection Zone, taken as the canopy spread in this instance).

Amenity of neighbouring properties

No's 1, 2 and 3 Holmedene and No 113 High Street

42. As noted above, the proposed rear extension will follow a similar footprint to that of the existing enclosed yard that currently consists of an approximately 1.9m high trellis fence with approximately 2.15m high plastic roof sheeting above and a dense planting buffer measuring approximately 2.3m in depth from the edge of the trellis to the adjacent path. As such, the side elevation (north) of the proposed extension, which would feature an eaves height of approximately 2.2m, would be sited behind the dense planting buffer approximately 5m from the habitable room windows in the ground and first floor front elevations of No 1, and approximately 6m from No 2 Holmedene with No 3 Holmedene sited beyond. The main ridge height of the extension (measuring approximately 3m in height, maximum) would be sited approximately 6m from the front elevations of No's 1 and 2 Holmedene and it is considered that the hipped roof element would assist in reducing the massing of the proposed roof line when viewed from the adjacent properties.
43. The case officer has visited the application site and has also viewed the existing rear elevation of the application site from within the property No 1 Holmdene, with views taken from the ground floor lounge room and kitchen room windows of this property.
44. In view of the required planning condition for the protection and supplementation of the planting at a minimum height of 2m -2.2m to match that of the proposed eaves height, and the above referenced separation distances, it is considered that the proposed extension would not result in an unacceptable loss of amenity for existing and future occupiers of the adjacent neighbouring properties of 1, 2 and 3 Holmedene and No 113 High Street (commercial use) in terms of outlook, overbearing and overshadowing as to warrant a refusal of the application.
45. As detailed above, the proposal would feature 6 velux windows in the roof pitch of the proposed rear extension, three of which would be sited in the northern elevation. Consideration is given to the oblique orientation of the windows and the siting of the

adjacent properties along Holmedene and the commercial use of the adjoining properties of No's 109 and 113 High Street. Furthermore and with respect to the two existing and retained windows in the rear elevation of the main building, the submitted proposed floor plans indicate that these windows would serve non-habitable/non-operational rooms, serving a store room (first floor level) and a landing/staircase (second floor level). In view of the above considerations, it is considered that the proposed scheme would not result in an adverse loss of amenity in terms of overlooking into habitable room windows of adjacent neighbouring properties.

46. Letters of objection have been received from the neighbouring properties of No's 1 and 2 Holmedene and other contributors, with respect to noise disturbance and odour nuisance as a result of the proposed use. A representation has been received from No 2 Holmdene, which specifically comments that the scheme is contrary to Planning Policy Statement 24 (PPS24) and should be subject to a noise assessment.
47. PPS 24 and other Planning Policy Guidance notes were replaced in March 2012 by the adoption of the National Planning Policy Framework (NPPF). Para 123 of the NPPF states that "*planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established and

identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason".
48. The applicant has confirmed that the practise would operate with the use of 'quiet drill' technology. The Council's Environmental Health Unit(EHU) has visited the site as part of the assessment and raise no objections to the application.
49. With respect to the proposed hours of operation, the submitted application form details that the use would operate from 0900 -1730 hours, Monday to Friday. The proposed hours of use are considered to be reasonable in view of the mixed commercial and residential use of the immediate surrounding area and the EHU has raised no objections to these hours. These operational hours can be secured by a planning condition.
50. With respect to the existing windows in the rear existing first and second floors of the property, given that these are existing windows and as noted above are to serve non-operational rooms, it is further considered that the proposed use will not result in an adverse loss of amenity in terms of noise disturbance for surrounding properties, particularly No's 1, 2 and 3 Holmedene. Notwithstanding the above considerations, the proposed layout of the scheme can be ensured by way of a planning condition to control the use of the rooms and to prevent any internal alterations that would affect the siting/use of windows and also to prevent the installation of any externally sited air conditioning units to the rear of the site without the requirement for planning permission and appropriate assessment by the Local Planning Authority.
51. The proposed addition of any air conditioning units in the future would require planning permission and would be subject to the assessment of the Local Planning Authority.

52. The proposed hours of construction of the extension can also be controlled by a planning condition, as requested by the Environmental Health Unit.
53. In view of the above considerations, including the controlled hours of operation and the EHU Manager raising no objections to the scheme, it is considered that the proposed use and extension accords with the provisions of the NPPF and would not result in an unacceptable loss of amenity for surrounding properties in terms of noise disturbance or odour nuisance.

No 109 High Street

54. The proposed single storey rear extension would also extend along the adjacent rear boundary to No 109 (commercial unit). As noted above, a large single storey lean to extension projects along the boundary in addition to a boundary wall, storage structure with an overgrown garden beyond. The hipped end roof of the proposal would primarily project towards the detached structure within the court yard with the nearest properties beyond this sited over 100m away to the west. In view of these considerations, it is considered that the proposal will not result in an adverse loss of amenity in terms of outlook, overlooking, overbearing, overbearing and noise disturbance for adjacent properties to the south and to the far west of the site.
55. With respect to the proposed alterations in the front elevation, in view of the modest scale of the works, that no additional windows would be installed, and that the use would primarily look out on to the busy High Street with commercial units on either side of the property, it is further considered that the proposed scheme will not result in an adverse loss of amenity for surrounding neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing and noise disturbance.
56. Reference is made to Policy GP1 of the adopted Local Plan by the agent acting on behalf of No 1 Holmedene, however this is no longer a saved planning policy and has been superseded by Core Strategy policies that form part of the considerations of this report.

Highway safety

57. With respect to issues of highway safety and car parking provision, the Head of Technical Services has commented that public car parking is available nearby and has therefore raised no highway objections to the application. It is therefore considered that the proposal will not lead to an adverse loss of highway safety or lead to adverse increase in car parking issues.

Flooding Issues

58. The application relates to a change of use to a proposed commercial use and in view of the size of the proposed single storey rear extension (with a footprint of less than 250 square meters), the extension is classed as a 'minor extension' and as 'less vulnerable development' (as defined by the Environment Agency's Flood Risk Vulnerability Classification of the Flood Matrix). As such, the proposal satisfies the guidance contained within the Flood Matrix, National Planning Policy Framework and local planning Core Strategy Policy CS10 (Environmental Protection and Enhancement, criterion 9). The submitted mitigation measures include the provision of damp proof membrane within the proposed flooring. The proposed scheme satisfies both national and local planning policies.

Archaeology Interest

59. Para. 128 of the NPPF notes that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*.
60. Tees Archaeology have been consulted on the application and with reference to the current site has commented that "archaeological excavation in the rear plots of these properties is usually productive with good preservation of medieval material...the foundations for this (proposed) extension are likely to expose and destroy archaeological features associated with the medieval town". As a result, they have recommended that the developer arrange for archaeological monitoring during the development in order that any remains are properly recorded prior to their destruction, in accordance with the NPPF and has recommended a planning condition relating to a programme of recording archaeological works which has been incorporated in the recommended condition number 04.

Residual Matters

61. With regard to issues relating to the maintenance of services, property damage, property devaluation, covenants and legal deeds (with respect to access through the yard) these are not material planning considerations when assessing this application and are civil matters.
62. With respect to concerns over the lack of provision for fire and emergency escape, this a building regulation matter. The Council's Building Control Manager has verbally advised that in view of the proposed layout of the building, matters of fire safety and escape could be satisfactorily addressed means of detection/fire alarms as part of a Building Regulations application. Matters of disability compliance would also be considered under the Building Regulations, however the submitted information states that the existing level access into the building would be retained for disabled access purposes.
63. With respect to concerns regarding an impact on existing drainage infrastructure, Northumbrian Water Limited has been consulted on the application and has raised no objections to the scheme. Connections to foul sewage would fall under the control of the Building Regulations.
64. Comments have been made with respect to the applicant's existing practice being *"known more for its cosmetic treatment rather than preventative"*. The proposed use is classified as a dentist (D1 Use) and a public use. As detailed above, the principle of development is considered to be acceptable in this instance.
65. With respect to waste management, the applicant has confirmed that waste is stored in a locked cupboard in an area where only staff can enter in his current premises whereby refuse collectors come into reception and a member of staff brings the rubbish out to them on collection day and it is then taken straight off site. The applicant's agent has confirmed that this arrangement for waste storage and collection will be utilised in the new building. Waste disposal is a management issue for the applicant and not a material consideration in this instance.

66. With regard to the issue of Precedent, each application is assessed on its own individual merits.
67. Comments have been received with respect to the scheme affecting the height of the access to the yard and that the existing 'corridor' would be used for access; works to the existing under passage do not form part of the current application whilst the submitted plans indicate that the proposed use would be accessed from the main front entrance and that there are no access doors within the rear elevation of the proposed extension.
68. With respect to Right to Light, the 'right to light', operates separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way which is compatible with Convention rights.
69. The human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.
70. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing, and noise disturbance has been assessed within the material considerations above. The human rights of the owners/occupiers of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of neighbouring residents.
71. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

72. . It is considered that the scheme, will not adversely affect the existing building and the surrounding area; that the scheme will not lead to an unacceptable impact on the amenity of neighbouring residents or adversely affect highway safety. It is also considered that the proposal satisfies other material considerations including matters of flooding. The proposal is considered to be in accordance with the relevant Development Polices and is considered acceptable

It is recommended that the application be **Approved** with Conditions for the reason specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551

WARD AND WARD COUNCILLORS

Ward Yarm
Ward Councillor Councillor A B L Sherris

Ward Yarm
Ward Councillor Councillor Mark Chatburn

Ward Yarm
Ward Councillor Councillor Ben Houchen

IMPLICATIONS

Financial Implications: As report

Legal Implications: As report

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. The detailed considerations within this report take into account the impacts on neighbouring properties, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

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:

National Planning Policy Framework
Core Strategy Development Plan Document
Withdrawn application files 12/1726/COU and 12/1727/LBC