

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
19 MARCH 2014  
REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**14/0388/COU**

**1 High Street, Norton, TS20 1AH**

**Revised application for a proposed change of use from offices (A2) to bar/restaurant (A4)**

**Expiry Date 10 April 2014**

**SUMMARY**

Approval is sought for the change of use from a vacant A2 office to a bar/restaurant which constitutes an A4 use. The proposal includes external alterations to the shop front to provide timber framed panelling, hi-gloss tiles and window grills. Externally the existing rear yard will be decked and will provide an open smoking area with an enclosed bin bay. The main entrance will be recessed from the front elevation to provide a small external seating area. The original historic sign will be restored with a suspended gantry sign above the main entrance at the front of the property.

Eighteen letters of support have been received for the proposal largely on the grounds that the business will create new jobs and support the economy within the Norton local Centre. Eighteen letters of objection have been received largely on the grounds of traffic generation, limited availability for parking, amenity of neighbouring residential properties and character of the area.

The Environmental Health Unit has recommended the imposition of a number of conditions, relating to ventilation and drainage. A condition is also recommended for the proposed operating hours to limit the A4 use between 09:00 and midnight Sunday to Friday with an additional hour until 1am on a Saturday. It is generally accepted that, owing to the mixed use nature of the surrounding area (which includes public houses and hot food takeaways) there will be a higher level of noise and disturbance due to the existing evening economy. The Environmental Health Unit considers that the proposed opening hours are in line with other late night uses within the vicinity of the application site and therefore have raised no objections. The outdoor seating area is limited by means of a planning condition to 23:00 hours; this is in line with the operating hours of other outdoor areas within the vicinity of the site such as the recently approved Highland Laddie. It is considered that this will limit the impact upon residential amenity of the surrounding neighbouring properties.

The Head of Technical Services has considered that application and whilst concerns raised by the objectors are noted it is considered that trips to the application site are likely to be linked with other uses within the area. Furthermore there are areas of public parking available within walking distance of the site and waiting restrictions are enforceable to tackle indiscriminate parking and abuse of waiting restrictions. As such on balance, taking into account the sustainability of the site, the net increase in parking demand associated with the proposed development is considered to represent only a marginal increase and there are waiting restrictions in place to regulate parking. Whilst acknowledging concerns about local parking demand, the National Planning Policy Framework states that developments should only be refused on transport grounds where the residual cumulative impacts of the development are severe. In line with current policy guidance, the negligible deterioration in parking supply due to the addition of traffic from this development is considered to be acceptable.

The proposed change of use is considered to be acceptable in terms of impact upon the amenity of neighbouring properties, character of the conservation area and highway safety. The proposal is therefore considered to be in accordance with policies CS2, CS3 and CS5 of the adopted Core Strategy, policy EN24 of the Local Plan and national planning guidance set out within the NPPF.

## **RECOMMENDATION**

**That planning application 14/0388/COU be approved subject to the following conditions and informatives**

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

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC0001</b>	<b>13 February 2014</b>
<b>001</b>	<b>13 February 2014</b>

**Reason: To define the consent.**

**Conditions to be discharged prior to commencement**

**02. Before the proposed use commences the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.**

**Reason: In the interest of the amenity of neighbouring properties**

**03. Before development commences details of a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The approved ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.**

**Reason: To ensure proper ventilation is provided at the property.**

**04. The proposed finished colour/decoration scheme for the shop front shall be submitted too and agreed in writing with the Local Planning Authority before the shop front works are implemented. The works shall be implemented in accordance with the agreed details.**

**Reason- In the interests of the character and appearance of building and the amenities of the Norton Conservation Area.**

**05. Details of the proposed tiles to be used in the stall riser of the shop front shall be submitted to and agreed in writing with the local Planning authority before that element of**

***the shop front works is implemented. The works shall be implemented in accordance with the agreed details.***

***Reason- In the interests of the character and appearance of building and the amenities of the Norton Conservation Area.***

***06. Details of the proposed window security grills shall be submitted to and agreed in writing with the local Planning authority before that element of the shop front works is implemented. The works shall be implemented in accordance with the agreed details.***

***Reason- In the interests of the character and appearance of building and the amenities of the Norton Conservation Area***

***Conditions which will remain in perpetuity***

***7. The public house/restaurant hereby approved shall not be open to the public outside the hours of 9am and 12pm Sunday to Friday and fully vacated by 12:30am by all members of staff and between 9am and 1am on a Saturday with the premises fully vacated by staff by 1:30 am.***

***Reason: in the interest of the amenity of neighbouring properties***

***8. The drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.***

***Reason: To ensure proper drainage to serve the site.***

***9. 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.***

***Reason: To protect the amenity of neighbouring residential properties.***

***10. The hereby-approved external seating area shall not be used for any purpose between the hours of 23:00 - 09:00 and no music shall be played within this external seating area. Doors to the external area shall be fitted with a lobby and/or self-closing devices to prevent the ingress of smoke and egress of noise.***

***Reason: To ensure that neighbouring residential premises are not adversely affected by the development***

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

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

### **SITE AND SURROUNDINGS**

1. The application site is currently a vacant A2 unit located upon the corner plot of High Street, Norton and Holly Street, which is within Norton Conservation area. The property has been vacant since approximately 2010.
2. The surrounding area consists of a mix of uses, directly opposite the properties on Harland place consist of a mix of A1, A4 and A5 properties. There is a public house attached to the

neighbouring properties to the north and a residential care home on the opposite corner of Holly Street. Directly to the rear is an alleyway, beyond which is a Chinese take away which is an A5 use and a working men's club which is an A4 use. There are residential dwellinghouses, which front on to Holly Street, towards the south-west of the application site. As such the surrounding area is mixed use in nature.

## **PROPOSAL**

3. Approval is sought for the change of use of the application site from a vacant A2 unit to a bar restaurant which will consist of an A4 use. The proposal includes internal alterations to provide a bar area at ground floor with a staff room, store and toilet facilities. The proposal includes a mezzanine with bar area, kitchen and toilet facilities.
4. Externally to the rear the proposal includes a decked outdoor smoking area which will be enclosed by a wall measuring 2.7 metres in height with a further 0.6 metres of trellis with foliage. The proposal will include gates as an emergency exit and an enclosed bin store.
5. The main entrance will also be recessed from the highway to the front by approximately 1.6 metres to provide a small external seating area. The proposal includes alterations to the external elevations to infill the existing door in the side to the first floor and include decor panelling to be timber framed. The front and side elevations will include hi-gloss tiles for a height of approximately 0.7 metres with timber encasement pilasters to steelwork supports. A timber upper-fascia is proposed across the front and side elevations with the original historic sign panel restored.
6. The proposed operating hours will be between 9am and 12pm every day and 9am to 1am on a Saturday.

## **CONSULTATIONS**

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

### **Head of Technical Services**

General Summary

7. The Head of Technical Services has no objection to the proposed development.

### **Highways Comments**

8. In accordance with Supplementary Planning Document 3: Parking Provision for Developments 2011, the existing 360m<sup>2</sup> of A2 use should provide 10 incurtilage car parking spaces while the proposed 128.5m<sup>2</sup> (public floor space) of A4 floor area would require 26 spaces. There is no incurtilage car parking associated with this property and therefore all parking demand associated with the site must be accommodated on-street or in existing public car parks. Compared with the existing use this development, according to the Council's parking standards, would increase the parking demand by 16 spaces.
9. Norton High Street is designated as a local centre that provides a range of shops and services for local communities. The proposed development site is sustainably located with many residential areas within walking distance and the site is within close proximity to bus stops.

10. There are areas of public parking available within walking distance of the site although it is recognised that the majority of public parking is provided on the High Street with limited off-street parking provision.
11. A number of concerns have been raised by local residents with regards to the increase in parking in residential streets associated with visitors to Norton High Street and noting the concern that this development could exacerbate this issue further. As noted above, the Council's parking standards do expect this land-use to generate more traffic than the extant use with an additional 16 spaces required to accommodate the proposed change of use. This application was previously submitted (13/3056/COU) and withdrawn but in response to the 2013 application the Head of Technical Services raised concerns over the lack of parking to accommodate this development.
12. As the application has been re-submitted the Head of Technical Services must again consider the impact the lack of parking would have on the adjacent highway and whether any adverse impact would be sufficient to warrant a highway objection in line with local and national planning policy guidance.
13. It is acknowledged that some trips to the proposed development would be linked trips with customers visiting other existing establishments rather than solely visiting this site i.e. many trips to the site would not be new trips on the network but would be already visiting other bars / restaurants in Norton. In comparison the extant use, which most recently operated to provide financial services, is less likely to attract linked trips. Many trips are also forecast to arrive in the evening when the parking associated with the neighbouring retail uses would be vacated.
14. The Head of Technical Services acknowledges that parking demand in Norton is increasing and has therefore recently undertaken a parking study in Norton. This study recommended several changes to Traffic Regulation Orders to tackle indiscriminate parking and abuse of waiting restrictions on Norton High Street. The highway adjacent to the site is subject to waiting restrictions; daytime restrictions are in place on the High Street and 24 hour waiting restrictions are in place on the east side of Holly Street. These measures should prevent vehicles from parking around the junction and assist with the management of parking close to the site. The study considered the current restrictions adjacent to the site to be adequate for the current uses, which are largely of a similar nature to the proposed development.
15. On balance therefore the net increase in parking demand associated with the proposed development would only represent a marginal increase and there are waiting restrictions in place to regulate parking. Whilst acknowledging concerns about local parking demand, the National Planning Policy Framework states that developments should only be refused on transport grounds where the residual cumulative impacts of the development are severe. In line with current policy guidance, the negligible deterioration in parking supply due to the addition of traffic from this development is not considered to be sufficient to warrant a highway objection to this development.

### **Landscape & Visual Comments**

16. There are no landscape or visual objections to this proposal

### **Environmental Health Unit**

17. 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.

' Noise disturbance from plant

- ' Noise disturbance from access and egress to the premises
- ' Drainage - grease trap
- ' Odour nuisance
- ' Construction Noise
- ' Smoking Area

Additional Comments

18. At the Licensing hearing for these premises the licence granted for the sale of alcohol was Sunday to Wednesday 10.00 to 00.00 and Thursday to Saturday 10.00 to 01.00. These hours are similar to adjacent licensed premises in the area and are therefore considered reasonable to control noise disturbance with conditions imposed on the licence.

**Conservation and Historic Buildings Officer**

19. The application is for a change of use but also proposes a new shop front as part of the proposal. I do not intend to comment on the acceptability of the change of use or general amenity issues my considerations therefore relate to the proposed external changes to the property and the impact of those on the character and appearance of the Norton Conservation Area.
20. The general scale and form of the proposed shop front is appropriate for the building and will be a noticeable improvement from the existing. Executed well, it will improve the visual amenities of the street scene and the amenities of the Norton Conservation Area.
21. I therefore have no objection in principle to the works subject to the following controlling conditions:

Finished Appearance

The proposed finished colour/decoration scheme for the shop front

Details of the proposed tiles to be used in the stall riser of the shop front shall be submitted

Details of the proposed window security grills shall be submitted to and agreed

Reason- In the interests of the character and appearance of building and the amenities of the Norton Conservation Area

**PUBLICITY**

22. Neighbours were notified and comments received are set out below :-

**Letters of objection**

**23. C Ackworth**

6 Harland Place Norton  
(Summarised)

Object to the proposal on the grounds that Connections was required to create car parking before that could be approved and there is no car parking in the area. Also concerns regarding noise generated by people leaving the property such as banging car doors disturbing residents sleep. If you the Councillors lives in the area would you be happy with this.

Also there are enough bars and restaurants in the area with the applicant already having a bar/restaurant on Harland Place. Norton is a small village not a town. Everything is done

and dusted with the licence and the amount of work that is already being carried out at the site.

**24. Mrs Kathleen Mcfarlane**

3 Fox Street Norton

I am concerned about noise pollution from the music being played until late at night (10.00 - 00.00 Sunday to Wednesday, 10.00 - 01.00 Thursday to Saturday) causing disturbance to ourselves and the neighbours.

The above noise concern is increased by the applicants proposed hours of opening which will bring excessive noise from traffic and customers leaving the premises after midnight.

The area is the narrowest part of the High Street and Holly Street is the access road into the neighbouring estate and rear of the shops in the High Street. This area is already congested with deliveries, taxis and cars to other premises and increasing the number of people and traffic in the area is not in the interest of public safety.

The proposed application is for the sale of alcohol off the premises and therefore there is a likelihood of increased litter.

**25. Mr Martin Kelsey**

23 Kestrel Close Norton

Whilst I fully agree that Norton High Street needed to attract new business I feel it has now reached saturation point. There are too many food outlets in very close proximity to each other at the bottom of the High Street.

Parking, rubbish, noise and unsociable behaviour are all a result or part result of these businesses. I would have preferred restaurants and cafe-bars opening originally to the takeaways as I feel these have more to offer and attract new people to Norton.

During early evening in the area there are always cars parked illegally both on yellow lines and in the bus stop. If this application is successful where will the customers park?

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**26. Mr D Sutheran**

24 Osprey Close Norton

(Summarised)

Object on the ground of traffic congestion, from public vehicles, and double parked taxis meaning the buses cannot get access to the bus layby. There are numerous pubs/bars/restaurants within the vicinity of the application site.

Work has already commenced on the development with scaffolding surrounding the building.

**27. Natalie Bruce**

2 Nelson Court Norton

(Summarised)

Strongly object to the proposals as there is an existing traffic problem in the area. I feel this will add to the busy and congested village. There is already enough bars and restaurants in Norton and this will take business from existing bars.

**28. Miss Pauline McMaster**

25 Esk Road Norton

(Summarised)

Object on the ground of the traffic and highway safety concerns that it will create. The existing businesses and takeaways within Harland Place already create a problem. They park on double yellow lines in Holly Street which from my understanding is no parking. This makes it difficult and dangerous to get access to the High Street from Holly Street. Additional business will exacerbate the problem.

**29. Mr C Corner**

1 Wrightson Street Norton

(Summarised)

Object as the proposed change of use would be close to residential properties on Holly Street and Chapman Street. it would create disturbance from cars and traffic. There has been disturbance and vandalism from revellers from the working men's club creating damage to residents' cars and property. Opening a bar so close to residential properties would be unacceptable.

**30. J Lamb**

447 Norton Road Norton

Object

We have concerns about the noise levels of people leaving the premises late at night as well as from the building its self.

This is a residential street and we are an 18 bedded home for vulnerable adults, the property is directly over a small road to our property. We have the main sleeping area for our residents facing onto Holly Street.

We also have concerns about early potential morning deliveries which would in itself could bring disturbance.

We have concerns also about the increase in traffic and parking as well as the noise from taxis picking up late at night. This is a narrow street and as we have noticed in Leven Rd the traffic/ parking can be dangerous at times.

**31. MOHAMMED AZIZ**

5 Harland Place Norton

We again strongly object to this. It will damage other businesses and is not good for a small village.

**32. Daniel Kaldani**

4 Harland Place Norton

I am emailing you in regards to a wine bar that I believe is opening shortly, close to Harland place.

We would like to put in an objection to a wine bar opening near our property at 4 Harland place, the reason we object to this is because we are worried about noise pollution and some of the problems that could arise from the cliental that a wine bar would attract, we are worried about damages to our properties and noise complaints from our tenants. please could you contact me to confirm that you have received this email thank you.



**33. Jamie Cadden**

1 Chapman Street Norton  
(Summarised)

Object on the grounds of impact upon residential amenity to the detrimental of the feel and characteristics of the surrounding area. The development will generate additional pedestrian and vehicle traffic to an already compromised roadway. This will create additional noise for residents. The smoking area to the rear will create additional noise for residents within 20 metres of neighbouring residents at unsociable hours owing to the late night hours proposed. Additional noise will also be created by the amplified music proposed as part of the application. The proposed use will generate unwanted smells and odours for residential properties affecting whether residents can open their windows This includes including from the waste which is proposed to be stored at the rear of the property.

In terms of highway safety there is insufficient parking to serve the proposal which will be detrimental to highway safety. The alleyway to the rear proposed for deliveries however this will be difficult to manoeuvre HGVs through populated streets and might result in damage to residents property.

The proposal will increase the amount of litter and increase the risk of vermin encouraged by the additional waste.

Detrimental to the privacy of neighbouring properties reducing the ability for residents to be able to open their blinds and windows. The Human rights act states that residents have the right to enjoy a peaceful environment for all their belongings. Therefore the residents believe that the development would be detrimental to the enjoyment of their dwellings.

**34. Mrs S Bruce**

8 Rotherham Avenue Roseworth  
(Summarised)

Object. As a regular visitor to Norton we regularly struggle to get parked. People continue to park on double yellow lines which then causes problems for pedestrians. Where will all the new customers and staff park. The village is already full of bars and restaurants we do not need another one, this will be detrimental to existing businesses within the area.

**35. Lyndsay Greathead**

7 Reading Road Stockton on Tees  
(Summarised)

Object

As a local resident I cannot see any gain in another bar/restaurant opening. Traffic and congestions is already a big issue in the area and I already do not feel safe walking through the area on a night due to the amount of foot traffic and fear this will only get worse if another development of this nature is opened. There are too many bars in the village and as a result too many drunks.

**36. Adam Carter**

14 Costain Grove Norton  
(Summarised)

Object to the proposals as I am concerned about the amount of traffic. There is an existing car parking shortage. taxis and cars create gridlock by stopping outside of bars creating traffic jams. I hope traffic management from the Council is asked to monitor the traffic flow on a Friday- Sunday evenings. I can only see more accidents occurring if this development is allowed. This area of Norton has enough bars therefore I cannot see the need for another one, enough is enough.

**37. Margaret Milton**

65 Billingham Road Norton  
(Summarised)

Object as we do not need another alcohol bar in the high street. The High Street is not wide enough to take any more traffic. It will affect businesses in the local area. There will be lots more noise for residents; it should be in Stockton High Street away from residents.

**38. Mr Jason Clark**

The Unicorn High Street

Norton has reached its saturation point for parking. No doubt the High Street has improved over the past decade but this has come at a cost.

The demand for parking for both residents and visitors does not meet the current demand. The volume of traffic through the high street from 3-7pm and the number of pedestrians has drastically increased in recent years. There have been more road and traffic accidents over the last decade due to the above problems. We have numerous restaurants and bars with very little to no parking, Kings Coffee Shop, Cafe Maison, Cafe Lilly, Jolsha, Tastey Wok, Happy Valley, Harland Place, Perry's Bar, Greggs, and the welcomed return of the Highland Lad which is booming.

Traffic management has become a joke in Norton and I can only see more accidents with the current flow of traffic and people. Traffic wardens are not the answer which is often the silly answer that comes from Council employees and councillors. It's management of the business that needs control. The property in question had the application for both a snooker hall and bingo hall which I hope was on parking grounds. This new bar is a step too far, we simply don't have the parking capacity in the village for another 20-30 cars. We are already in need of 30-40 more spaces now to help the current parking problem.

I hope common sense prevails and good management of the village comes to the fore. I declare my interest in the Unicorn Pub but this isn't my primary reason for my objection. I repeat the village capacity for parking and the increases danger to the public is my main concern.

**39. Mr C Connor**

81 Roseberry Road, Norton  
(Summarised)

Object as I feel there is far too much traffic flow through the village already and not enough parking for existing services without addition more without providing additional car parking. At times the village is overcrowded and this would just add more difficulties for local residents. There is enough pubs and restaurants in the village already. The bus service will be greatly compromised.

**40. Sharon Spedding**

8 Priory Gardens Norton  
(Summarised)

Completely object to the proposals. There are already enough restaurant and bar facilities, we do not need any more. There is already insufficient car parking. This will just add more problems for local residents. The proposed bar will create a problem for the bus routes to run smoothly through the village.

**Letters of Support**

**41. Mr John Irving**

Thorpe Mews High Street Norton

I wish to support this application on the grounds that the development is welcome investment into our High Street bringing jobs and a quality leisure environment. The property in question has been an eyesore for some time.

Additional comments on behalf of Norton Village Association

Support the proposed change of use to bring back into use a vacant building.

**42. J J Dixon-barker**

Harland House 8 Harland Place  
(Summarised)

Support as it will support the popularity of Norton Village.

**43. Mr Gary Nolan**

94 Leven Road Norton

Again the development can only benefit the Village. I look forward to the building being brought back into use

**44. Mrs Diane Wyatt**

3 Lynmouth Road Norton

I fully support this new business within Norton. This is needed. Yes we have other eating places and pubs but each venue has its own identity and offers variety to the customers and residents alike. We are becoming a much more vibrant village and it's great to see empty businesses put to good use. We do have traffic problems between 3.00 and 7 pm but this is mainly due to Red House School parents collecting children. The school will soon be closing. Most people taxi or walk in to Norton for a night out so the parking issue should not be paramount. Very excited to have new entertainment locally without having to travel out of the area, taking our revenue with us.

**45. Sonias Balloons**

Cards And Gifts 43 High Street  
No Objections

**46. Hannah Jordan**

77-79 High Street Norton  
(Summarised)

Support as it would be nice to have another place to visit on a night out.

**47. Chelsea Hancock**

77-79 High Street Norton  
(Summarised)

Support the application as it would provide more choice on the High Street.

**48. A Blackwell**

124 High Street Norton  
(Summarised)

Support the application as a business owner and a resident as it will bring more people to the village. The proposal will help to increase property value, boost the local economy and create new jobs.

**49. Russell Shippey**

9 Grange Road Norton  
(Summarised)  
Support

It is encouraging to see new business helping the local economy and creating more jobs.

**50. David Brownless**

5 Low Farm Stockton on Tees  
(Summarised)

Support as it would provide a drinking establishment to meet with friends. It will enhance the reputation of this up and coming village.

**51. Mr Ian Ralph**

51 Kestrel Close Norton

Another Quality development of an otherwise unused and deteriorating building can only be a good thing for the village

**52. Mr Andrew Rasmussen**

34 Oakwell Road Norton

This building has been empty for some time, Norton currently is being described as "little Yarm" so if this is the case, why not allow another venue to open? Serving fantastic food and drink as well as having live music and different kinds of things on, to increase footfall in Norton, Parking really isn't an issue, because most people taxi it into Norton, the taxis could quite simply park up Holly Street and drop off the fare for all of two minutes.

I fully support this, because this brings more attraction to a once quiet village!

**53. Michael Lemmon**

4 Fulthorpe Road Norton

(Summarised)

Support the application as Norton will benefit from another bar. The local area is improving greatly and local residents are benefiting from the development of these businesses. The clientele are less likely to cause problems for the local area and nearby drinking venues are likely to clean up their businesses. Therefore support the application.

**54. J Kinnersley**

33 High Street Norton

(Summarised)

I have no objections to the proposal.

**55. Michael Reaney**

9 Grange Road Norton

(Summarised)

Fantastic to see new business coming to Norton. Great supporter of bars and restaurants coming to the area. Creating more jobs, boosting the economy making Norton a better place to live.

**56. Chris Hobaiter**

39 Kirkcleatham Street Redcar

(Summarised)

Support the application. Excited by the possibility of another drinking establishment adding to the vibrancy and strength of the area. It will be a great addition to the High Street.

**57. Miss Hannah Beadle**

12 Rushmere Heath, Eaglescliffe, Stockton-on-Tees

Support

For some time now, as a family, and with friends I have been heading to Norton for good food. Cafe Lily has been a favourite for years, and then once 12 Harland Place opened down the road, Norton became a welcome alternative to Yarm. Surely the more Norton has to offer the better. I live in Eaglescliffe, but have been considering moving to Norton for some time now, a few friends have already made the move! The high street itself is very pretty, and if there were a couple more places offering good food and somewhere to meet

for pre and after dinner drinks, coffees and cocktails Norton would be a no brainer! Norton needs more than empty buildings.

**58. Mr David Atkinson**

6 Manor Gate, Long Newton, Stockton-on-Tees  
Support

I support the planned proposal, my family and i frequently visit the current restaurants in Norton and i believe another establishment will benefit the area. It will also create jobs and bring money in from the surrounding areas.

**PLANNING POLICY**

59. 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

60. 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

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

**National Planning Policy Framework**

62. 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;

63. 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.

**Saved Policy S14 of Alteration No 1 of the adopted Stockton on Tees Local Plan,**

64. Proposals for Use Class A3, A4 and A5 'Food and Drink' development will be permitted in the defined retail Centres listed in Policy S1, where the proposal is in accordance with the following retail locational policies:-

- 1) Within the Defined Stockton Town Centre, subject to Policies S4, S5 and S6;
- 2) Within the defined District Centres except Yarm, subject to Policy S7;.
- 3) Within the defined Yarm District Centre, subject to Policies S8;
- 4) Within the defined Local and Neighbourhood Centres, subject to Policies S10;
- 5) Outside of the defined retail Centres, proposals for A3, A4 and A5 uses will only be permitted if there are no suitable units available within the defined Centres, or there are justified exceptional circumstances that necessitate such a location.
- 6)

65. Proposals for all Use Class A3, A4 and A5 uses will be considered against the following criteria:-

- i) the level of traffic generated and the provision of parking facilities, both in terms of highway engineering considerations and the general amenity of the area;
- ii) any adverse impact of proposals on residential amenity in terms of smell, noise, litter fumes and disturbance;
- iii) the provision of adequate and effective fume extraction and filtration equipment;
- iv) the provision of facilities for litter within and adjoining the premises;
- v) the secure provision for trade waste, stored in an out of sight location;
- vi) where appropriate, conditions limiting the late night opening may be applied.

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

1. 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.
2. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

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

66. 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.

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

3. Elsewhere, within the local shopping centres of Billingham Green in Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

### **Saved Policy EN24 of the adopted Stockton on Tees Local Plan**

67. New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and

- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

## **MATERIAL PLANNING CONSIDERATIONS**

68. The material planning considerations when assessing this application are the principle of the development, potential impact upon the amenity of neighbouring properties, character of the surrounding area and highway safety.
69. Eighteen letters of support have been received largely on the grounds that the change of use will provide welcome investment, create jobs and boost the local economy and reputation of Norton Village.
70. Eighteen letters of objection have been received largely on the grounds that the development will create additional traffic which will exacerbate an additional car parking and highway safety problem within Norton village. Concerns are also raised with regard to the impact upon the amenity of neighbouring residential properties, in terms of noise disturbance and loss of privacy, as a result of the hours of operation and patrons causing disturbance and potentially damage to residents property.
71. Objectors' state that the development would be out of keeping with the character of the area would generate fumes, additional litter and attract vermin.

### **Principle of development**

72. The National Planning Policy Framework states that there is a presumption in favour of sustainable development and that development proposals should be approved where they accord with relevant planning policies.
73. The proposed change of use will not result in the loss of an A 1 retail unit therefore policy S10 is not considered to be relevant when assessing this proposal. Policy CS5 (4) of the adopted Core Strategy identifies Norton High Street as a local centre where development will be promoted and supported providing that it complements and does not adversely impact upon the regeneration of the town and district centres. Furthermore policy CS2 of the Core strategy requires all new development to be well serviced by an attractive choice of transport modes including public transport, cycle routes and footpaths. Given that the application site is located within the defined limits of Norton local centre, which is well serviced by public transport and within walking distance of residential properties; it is considered to be a sustainable location for the proposed use.
74. Policy S14 of Alteration number One to the Local Plan relates to change of use to A3, A4 and A5 'Food and drink uses' and states that approval will only be granted within the neighbourhood centres subject to consideration of traffic and car parking, residential amenity (in terms of smell, noise, litter, fumes and disturbance, the provision of fume extraction, secure provision for waste and where appropriate with conditions limiting the late night opening. These material planning considerations are assessed below;

### **Amenity of neighbouring properties**

75. A number of the objections have been received are on the grounds of the impact upon the amenity of neighbouring properties. There are residential flats above commercial properties within the surrounding area. The closest residential properties front on to Holly Street and will be approximately 11 metres from the closest point of the application site which will consist of the outdoor seating area to the rear of the proposed public house. There is also a residential care home on the opposite corner of Holly Street which is approximately 11

metres from the application site. It is noted that these residential properties will be within close proximity to the application site however the surrounding area is mixed use in nature consisting of existing public houses which benefit from having no planning restrictions on the hours of use. The outdoor seating area to the rear will be enclosed by a 2.7 metre high brick wall with further trellis and planting which will provide a significant amount of screening for the development. The property directly to the rear is an A5 hot food take away which is also not restricted in terms of hours of operation. Therefore taking into account the mixed use character of the surrounding area and the presence of existing unrestricted commercial properties it is not considered that the proposed use will result in a significant detrimental impact upon the amenity of neighbouring properties in terms of noise and disturbance.

76. Furthermore the proposed external alterations do not include any additional windows and are considered to be commensurate in scale to the existing property. As such it is not considered that the proposal will result in a detrimental impact upon surrounding properties in terms of loss of privacy or appearing overbearing.
77. Concerns regarding smells and the attraction of vermin are raised by objectors to the proposal however the Environmental Health Unit has recommended a number of conditions relating to grease trap and ventilation. Conditions are also recommended regarding the hours of operation and restrictions on the outdoor areas proposed in connections with the application.
78. It is considered that the outside seating area could give rise to noise and disturbance and whilst a certain level of noise is to be expected in a commercial centre it is considered that a restriction on the hours of operation is appropriate to give residents a certain level of amenity. Other approvals within Norton for outdoor areas have been restricted to 11pm (such as the recent approval at the Highland Lad planning reference 12/2617/REV) and therefore a condition is recommended to restrict the use of the outdoor areas in line with other approvals within Norton Local Centre.
79. With regard to the hours of operation the surrounding area consists of a number of uses, such as the adjacent A4 unit (The White Swan), the A5 hot food take-away to the rear and the working men's club on Chapman Street which are longstanding and as such are not subject to conditions restricting the hours of use. The applicant has requested operating hours between 9 am and 12pm Sunday to Friday with an additional hour until 1am on a Saturday. Whilst objectors concerns regarding disturbance are noted, taking into account the existing late night uses which characterise the surrounding area it is not considered that the proposed hours of operation would be out of keeping with other drinking establishments in the area. As such The Environmental Health Unit consider the proposed hours of operation to be acceptable therefore a condition is recommended accordingly.
80. Objections have been received on the grounds of the creation of anti-social behaviour in the area through increased activity. The application site is located within Norton local centre which is mixed use in nature and there are a number of evening uses, such a public houses and hot food takeaway's, within the vicinity of the site. Therefore it is expected in mixed use areas there is likely to be increased activity in the evening. Nevertheless any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section.
81. One objector makes reference to Article 8 of the Human rights Act with regard to the right to respect for private and family life. This states that everyone has the right to respect for his private and family life, his home and his correspondence. The amenity of neighbouring properties has been carefully considered in assessing the proposed change of use. It is not



considered that the impact upon amenity of neighbouring properties would be significant enough to warrant refusal of the application.

### **Character of the area**

82. Concerns raised by the objectors regarding the character of the surrounding area are noted. However the proposed use will adjoin an existing longstanding public house which is not subject to hours restrictions. There is also a hot food takeaway directly to the rear of the application site which received a certificate of lawfulness in November 2006 (planning reference 06/2765/CPE). This A5 use was granted a certificate of lawful use as it had operated for more than a 10 year period and as such it is not subject to restrictions to operating hours. There is also a working men's club fronting on to Chapman Street, which is within the immediate vicinity of the application site and commercial properties, such as a hot food take away and wine bar directly opposite the site which front on to Harland Place. As such it is not considered that the proposed use would be out of keeping with the mixed use character of the surrounding area.
83. In terms of external appearance the Council's Historic Buildings Officer has provided comments on the proposed external alterations. It is considered that the scale and form of the proposed shop front is appropriate for the building and will be a noticeable improvement from the existing. Executed well, it will improve the visual amenities of the street scene and the amenities of the Norton Conservation Area. Therefore this Historic Buildings Officer raises no objection in principle to the works subject to the controlling conditions relating to the colour of finished materials, details of the tiles and security grills which are recommended accordingly.
84. As such it is not considered that the proposed external alterations will result in an incongruous feature within the street scene or appear out of keeping with the character of the surrounding conservation area. Therefore the proposal is considered to accord with policy CS3 of the adopted Core strategy and policy EN24 of the Local Plan.

### **Highway safety**

85. In accordance with Supplementary Planning Document 3: Parking Provision for Developments 2011, the existing 360m<sup>2</sup> of A2 use should provide 10 incurtilage car parking spaces while the proposed 128.5m<sup>2</sup> (public floor space) of A4 floor area would require 26 spaces. There is no incurtilage car parking associated with this property and therefore all parking demand associated with the site must be accommodated on-street or in existing public car parks. Compared with the existing use this development, according to the Council's parking standards, would increase the parking demand by 16 spaces.
86. Norton High Street is designated as a local centre that provides a range of shops and services for local communities. The proposed development site is sustainably located with many residential areas within walking distance and the site is within close proximity to bus stops.
87. There are areas of public parking available within walking distance of the site although it is recognised that the majority of public parking is provided on the High Street with limited off-street parking provision.
88. A number of concerns have been raised by local residents with regards to the increase in parking in residential streets associated with visitors to Norton High Street and noting the concern that this development could exacerbate this issue further. As noted above, the Council's parking standards do expect this land-use to generate more traffic than the extant use with an additional 16 spaces required to accommodate the proposed change of use.

This application was previously submitted (13/3056/COU) and withdrawn but in response to the 2013 application the Head of Technical Services raised concerns over the lack of parking to accommodate this development.

89. As the application has been re-submitted the Head of Technical Services has again considered the impact the lack of parking would have on the adjacent highway and whether any adverse impact would be sufficient to warrant a highway objection in line with local and national planning policy guidance.
90. It is acknowledged that some trips to the proposed development would be linked trips with customers visiting other existing establishments rather than solely visiting this site i.e. many trips to the site would not be new trips on the network but would be already visiting other bars / restaurants in Norton. In comparison the extant use, which most recently operated to provide financial services, is less likely to attract linked trips. Many trips are also forecast to arrive in the evening when the parking associated with the neighbouring retail uses would be vacated.
91. The Head of Technical Services acknowledges that parking demand in Norton is increasing and has therefore recently undertaken a parking study in Norton. This study recommended several changes to Traffic Regulation Orders to tackle indiscriminate parking and abuse of waiting restrictions on Norton High Street. The highway adjacent to the site is subject to waiting restrictions; daytime restrictions are in place on the High Street and 24 hour waiting restrictions are in place on the east side of Holly Street. These measures should prevent vehicles from parking around the junction and assist with the management of parking close to the site. The study considered the current restrictions adjacent to the site to be adequate for the current uses, which are largely of a similar nature to the proposed development.
92. On balance it is considered that the net increase in parking demand associated with the proposed development would only represent a marginal increase and there are waiting restrictions in place to regulate parking. Whilst acknowledging concerns about local parking demand, the National Planning Policy Framework states that developments should only be refused on transport grounds where the residual cumulative impacts of the development are severe. In line with current policy guidance, the negligible deterioration in parking supply due to the addition of traffic from this development is not considered to be sufficient to warrant a highway objection to this development. Therefore the Head of Technical Services raises no objections to the proposal and therefore the proposal

### **Residual matters**

93. Objectors have raised concerns regarding loss of business for nearby public houses and bars and there being no need for a further restaurant in the area, whilst these comments are acknowledged, this is not a material planning consideration. This view is also supported within an appeal decision (APP/G3110/A/10/2139348), in which the Inspector notes that "it is not the role of the planning system to protect one retailer against another".
94. Objections have raised concerns that the proposal may lead to an increase in litter. This is a societal issue, owing to the commercial nature of the area it is considered that adequate facilities exist for the disposal of litter, clients cannot be forced to use the facilities only directed to them. The submitted plans show an enclosed external bin store which is considered to be acceptable to serve the proposed use.
95. Concerns have been raised that works have already commenced at the site. The applicant has been advised that any works carried out prior to the determination of the planning application is at the risk of the applicant. Furthermore whilst the licensing application has been approved this is a separate matter to the current planning application.

## **CONCLUSION**

96. The proposed change of use is considered to be acceptable in terms of impact upon the amenity of neighbouring properties, character of the conservation area and highway safety. The proposal is therefore considered to be in accordance with policies CS2, CS3 and CS5 of the adopted Core Strategy, policy EN24 of the Local Plan and national planning guidance set out within the NPPF.

97. It is recommended that the application be Approved with Conditions for the reasons set out above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

## **WARD AND WARD COUNCILLORS**

**Ward Norton North  
Ward Councillor Councillor S I Nelson**

**Ward Norton North  
Ward Councillor Councillor Mrs K. F. Nelson**

## **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.

**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:** 14/0388/COU