

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 MARCH 2015
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

15/0083/FUL

Layfield Arms, Davenport Road, Yarm

Proposed external alterations to building, alteration to existing access and parking arrangements and provision of bin store to north elevation. (Change of use from public house to shop constitutes permitted development).

Expiry Date 24 March 2015

SUMMARY

The application site relates to the Layfield Arms public house (which is currently vacant), located off Davenport Road, Yarm, Stockton on Tees.

This application seeks planning permission for proposed external alterations to the existing building, alterations to the existing access and parking arrangements and provision of a bin store to north elevation to facilitate a permitted change of use from a public house (A4 Use) to a retail shop (A1 Use). An ATM was originally proposed but this has since been omitted from the application.

It should be noted that the change of use from an A4 Use (pub) to an A1 Use (retail) constitutes permitted development and does not require planning permission.

This has been the case since 1988 (*Part 3, Changes of Use, Class A of The Town and Country Planning General Development Order 1988* which permitted the change of the use of a building to a use falling within Class A1 (shops) from a use falling within Class A3 food and drink). The Use Classes Order was then revised in 2005 to sub-divide the A3 Use into three separate uses - A3 (restaurants and cafes), A4 (Pubs and bars) and A5 (Hot food takeaway). The permitted change from an A4 to A1 use was retained as part of the 2013 update to the Use Classes Order and remains as of March 2015.

The Head of Technical Services has raised no objections to the scheme on highway and pedestrian safety grounds. The Council's Landscape Officer has raised no objections to the scheme in terms of the impact on existing landscaping features within the site subject to appropriate protection measures which can be secured by a planning condition. The Environmental Health Unit has also raised no objections to the scheme.

Cleveland Police's Architectural Liaison Officer has raised no objections to the scheme but has made a number of advisory comments to address any potential for anti-social behaviour. These comments are appended as an informative.

To date, 110 (one hundred and ten) objections have been received including a petition (which constitutes 1 objection under the Council's Scheme of Delegation). An objection has also been received from Yarm Town Council. These objections are summarised within the report below but include the proposed retail unit being unnecessary; the loss of public house would be to the detriment of the community; the Local Planning Authority should make an Article 4 Direction on the building; increase in traffic, raising highway and pedestrian safety issues; increase in Anti-social

behaviour and crime including youth congregation; impact on residential amenity in terms of noise and disturbance from customers, delivery vehicles; the alterations will be out of keeping with the area resulting in an adverse visual impact; property devaluation and loss of business/increase in competition.

2 letters of support have been received, outlining general support for the proposal and commenting that the proposal would be more convenient for the area and would create employment opportunities. 2 'representations' have also been received, which outline both general support and a number of concerns.

Subject to the imposition of the identified relevant planning conditions, the scheme is considered to accord with the general principles of the National Planning Policy Framework. The scheme as proposed is not considered to have an adverse impact on the character and appearance of the existing building and surrounding area or lead to an unacceptable loss of amenity and privacy for neighbouring land users. It is considered that the scheme is acceptable in terms of highway matters and is not considered to result in an adverse impact on protected landscaping features.

The application is recommended for approval accordingly.

RECOMMENDATION

That planning application 15/0083/FUL be approved subject to the following conditions and informative below;

01 *The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.*

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 *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>1021-P10 A</i> | <i>18 February 2015</i> |
| <i>SBC0001</i> | <i>15 January 2015</i> |
| <i>1021-S02</i> | <i>15 January 2015</i> |
| <i>1021-S01</i> | <i>15 January 2015</i> |
| <i>1021-S03</i> | <i>15 January 2015</i> |
| <i>1021-P11 B</i> | <i>12 February 2015</i> |
| <i>1021-P12 A</i> | <i>12 February 2015</i> |

Reason: To define the consent.

03. *Hard landscaping details*

Notwithstanding the submitted information, no works shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced. Any defects in materials or workmanship appearing within a period of 12

months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

04. Means of enclosure and bin store

Notwithstanding the submitted plans all means of enclosure (including the proposed bin store) associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority before the development commences. The development shall be completed in accordance with the agreed details, to the satisfaction of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

05. Tree protection

Notwithstanding the submitted information including the Elliot Consultancy 'Pre-development Tree Survey ref ARB/AE/1034 (date received 15.01.2015), no development shall commence until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed scheme and shall accord with the requirements of BS 5837:2012 Trees in relation to design, demolition and construction.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

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

06. The external finishing materials shall match with those of the existing building

Reason: In the interests of visual amenity and to ensure a satisfactory form of development

07. Hours of construction/deliveries

No construction/building works or deliveries of materials shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

Informative 1: National Planning Policy Framework

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

Informative 02 to applicant; prohibited works to protected trees

The following works are not allowed under any circumstances:

- o No work shall commence until the approved Tree Protection Barriers are erected (in accordance with the requirements of condition 05)
- o No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- o No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.
- o No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- o 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.
- o No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Informative 03 to applicant; Requirement for s278 Agreement (works to adopted highway)

With respect to the proposed works to widen the existing access, the applicant should contact the Council's Highway Network Management to discuss this further.

Informative 04 to applicant; Recommendations of Cleveland Police's Architectural Liaison Officer (ALO).

The ALO has advised that he would expect that the development puts in place measures to reduce the potential of crime and disorder. This would include

-good lighting to car parking and footpath areas lighting to these areas should comply to the requirements of BS5489.

-the bin store needs to be secure to prevent easy access to the area.

- The ALO recommends CCTV coverage of shop frontage in addition to the usual internal CCTV.

An operation requirement should be carried out in relation to CCTV installation along with complying with the requirements of Data Protection.

- door recesses should be avoided if possible any replacement doors. The ALO recommends this be certified to one of the following security standards LPS 1175 Issue 7 or PAS 24: 2012.

- any replacement glazing should be laminated min thickness 6.8mm any replacement ground floor window or easy accessible windows should be certified to BS356:200

BACKGROUND

1. **92/1263/P**; Installation of children's play equipment retrospective, refused 2nd October 1992 for the following reasons;

The siting of the play equipment in close proximity to the entrance/exit to the car park gives rise to unacceptable pedestrian vehicular conflict and is contrary to the interests of highway safety.

In the opinion of the Local Planning Authority the siting of the play equipment gives rise to unacceptable noise and disturbance and adversely affects the amenities of the occupants of the nearby residential properties at times when they could reasonably expect the peaceful enjoyment of their home

2. **97/0097/P** Provision of new entrance canopy and various other external alterations, approved 21st March 1997
3. **98/1632/P** Erection of an advertisement banner, refused 3rd February 1999 for the following reason;

The proposed banner would by virtue of its prominent location on Davenport Road would appear obtrusive and out of character within the street scene in the predominantly residential area.

4. **03/0295/P** Construction of decking area, approved 14th April 2003

SITE AND SURROUNDINGS

5. The application site relates to the Layfield Arms public house, located off Davenport Road, Yarm. The building is currently vacant and was formerly used as a public house with associated manager accommodation.
6. The site consists of a commercial building made up of a large single storey element and a two storey element that is served by a car park to the rear (north). The main building entrance is located within the western elevation. The vehicular access is taken from the roundabout to the south off Davenport Road. There are 4, formally protected pine trees within the site, to the north and north west of the main building. Hedging and other shrub planting is located adjacent to the site entrance. A row of trees/hedge planting is present along the western boundary with a public footpath beyond this.
7. The site is abounded by the curtilage of residential properties (primarily consisting of closed boarded fencing) to the east along Davenport Road and to the north and north east along Scugdale Close. Beyond a footpath to the west are properties within Netherdale Close (north west) and those fronting Davenport Road (west). Beyond the road to the front (south) are properties along Davenport Road and those within Ryedale Close (south west).

PROPOSAL

8. This application seeks planning permission for proposed external alterations to the existing building, alterations to the existing access and parking arrangements and provision of a bin store to north elevation to facilitate a permitted change of use from a public house (A4 Use) to a retail shop (A1 Use).
9. It should be noted that the change of use from an A4 Use to an A1 use constitutes permitted development and has done so since 1988 (Part 3, Changes of Use, Class A of The Town and Country Planning General Development Order 1988 which permitted the change of the use of a building to a use falling within Class A1 (shops) from a use falling within Class A3 (food and drink). The Use Classes Order was then revised in 2005 to sub-divide the A3 Use into three separate uses - A3 (restaurants and cafes), A4 (Pubs and bars) and A5 (Hot food takeaway). The permitted change from an A4 to A1 use was retained as part of the 2013 update to the Use Classes Order and remains as of March 2015.
10. The proposed external alterations consist of;

Elevation 1 (front/west elevation) - enlargement of three existing windows in front elevation, the provision of a set of sliding doors (in situ of existing access doors) and the bricking up of a number of window and door openings

Elevation 2 (south/side elevation fronting onto Davenport Road) - bricking up of window, enlargement of 1 existing window and creation of a new double window.

Elevation 3 (rear/east elevation) - bricking up of window openings and access door. Removal of 2 external vents.

Elevation 4 (north/side elevation) - bricking up of existing window opening and replacement of existing set of access doors with security door and screen.

11. Other works include the widening of the existing access from approximately 4.5m to 6.1m and the provision of 5 car parking spaces to the front/west of the building. This would be facilitated through the removal of a low hedge/shrub planting and provision of hard standing. The scheme also includes the siting of a bin store enclosure on the north elevation that would measure approximately 10m x 11m and would consist of closed boarded fencing and a set of access gates (no elevations of this have been provided).
12. The proposed A1 use would occupy the front/western element of the building (single storey). The submitted supporting statement indicates that the intention for the existing first floor use (former manager's accommodation associated with public house) is to be converted into residential accommodation however the applicant has indicated that this may form part of a separate application in the future. Notwithstanding this, it should be noted that the existing first floor could operate as a single flat without requiring permission or on the commencement of the retail use could operate as two single flats as permitted development..
13. The original submitted scheme also sought permission for the installation of an ATM within the front/west elevation however this has since been omitted from the scheme (the applicant's agent has indicated that an ATM would be sited internally, which does not require planning permission).

CONSULTATIONS

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

Head of Technical Services

Highways Comments

Re: amended plan 1021-P10 REV A

It is noted that the change of use to retail is permitted development and therefore does not form part of this application. Car parking and servicing areas are provided within the site and therefore it is considered that this proposal will have no more impact on the adjacent highway than the previous use as a public house. The widening of the access road will require a Section 278 agreement for works in the adopted highway. Subject to the above there are no highway objections.

Landscape & Visual Comments

All the four Pine Trees on the site are high quality trees that must be protected during any site works in line with BS 5837:2012 Trees in relation to design, demolition and construction. To this effect condition wording is provided below in the informative section at the end of this memo.

Hard landscaping details should be provided in line with the condition wording is provided below in the informative section.

Subject to the above comments, there are no landscape and visual objections to this development.

LANDSCAPING – HARDWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no hard landscaping works (excluding base course for access roads and car park) shall commence until full details of proposed hard landscaping has been submitted to and approved

in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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

ENCLOSURE

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of the erection of any permanent fencing , details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

TREE PROTECTION

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a scheme for the protection of trees BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 5.5 and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007 has been submitted to and approved in writing by the Local Planning Authority.

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

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

For Information

RETAINED TREES PROHIBITED WORKS

The following works are not allowed under any circumstances:

- No work shall commence until the approved Tree Protection Barriers are erected.
- No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.
- No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.
- No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Additional comments

Re: amended plan 1021-P10 REV A

The previous comments requested the relocation of the northern most parking bay, in the block to the west of the building, as it encroached into the Root Protection Area of one of the existing Pine Trees. The amended plan has allowed for this relocation, requested at the eastern edge of the second parking block.

There are therefore no landscape and visual objections to the amended plan. All comments made in the previous memo continue to apply.

Cleveland Police Architectural Liaison Officer (PC Stephen Davies)

If the application is approved I would expect that the development puts in place measures to reduce the potential of crime and disorder. This would include good lighting to car parking and footpath areas lighting to these areas should comply to the requirements of BS5489. The bin store is a potential area for misuse and requires to be secure to prevent easy access to the area. Any overhead canopies although would provide shelter for shoppers can also increase the risk of youths gathering from shelter from the elements. I would recommend CCTV coverage of shop frontage in addition to the usual internal CCTV. An operation requirement should be carried out in relation to CCTV installation along with complying with the requirements of Data Protection.

Door Recesses should be avoided if possible any replacement doors I would recommend be certified to one of the following security standards LPS 1175 Issue 7 or PAS 24: 2012.

Any replacement glazing should be laminated min thickness 6.8mm any replacement ground floor window or easy accessible windows should be certified to BS356:200

Environmental Health Unit

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

Construction/Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend that the working hours of all Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 – 18:00Hrs on weekdays, 09.00 – 13:00Hrs on a Saturday and no Sunday or Bank Holiday working. Should works need to be undertaken outside of these hours the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

Councillors

No comments received

Yarm Town Council

Yarm Town Council objects to this redevelopment site in support of the local residents.

Concerns include

Competition with a local corner store.

Antisocial behaviour implications as this may become an area for gangs to hang around.

Car parking issues and traffic impact on local residents.

The increased possibility of litter.

The increased possibility of noise disruption for neighbouring houses.

The Council also have concerns about an ATM being available with 24 hour access and would request that if it is a necessity to have an ATM then they would request that this is located within the building for use during opening hours only.

The Town Council fully supports the objections raised by the local community.

PUBLICITY

15. 110 objections have been received to date from the following addresses;

1. Mr Christopher Gale, 2 Ramsey Crescent Yarm
2. Mr Adam Hall, 12 Carew Close Yarm
3. Mr Richard Young, 36 Fauconberg Way Yarm
4. Mrs Jane Hunter, 31 Scugdale Close Yarm
5. Mr Neil McConnell, 69 Davenport Road Yarm
6. Mr Ray Taylor, 10 Sheepfoote Hill Yarm
7. Mrs Helen Fisher, 52 The Meadowings Yarm
8. Mrs Susan Kirk, 21 Atherton Way Yarm
9. Mr Chris Park, 8 Turton Road Yarm
10. Mr Shaun Turton, 1 Penwick Close Yarm
11. Mrs Hannah Hornby, 32 Griffiths Close Yarm
12. Miss Karen Oliver, 27 Knaith Close Yarm
13. Mr A Kuriakose, 14 Harker Close Yarm
14. Mrs Gemma Brown, 20 Ramsey Crescent Yarm
15. Miss Sarah Powell, 17 Debruse Avenue Yarm
16. Mrs Pat Brunt, 35 Griffiths Close Yarm
17. Mrs Pamela Smailes, 69 Beckwith Road Yarm
18. Mrs Susan Johnson, 4 Penwick Close Yarm
19. Mr Jason Hadlow, 46 Spitalfields Yarm
20. Save Stockton South, 32 Carew Close Yarm
21. Miss Katie Hall, 4 Wetherall Avenue Yarm
22. Mr Gavin North, 33 Davenport Road Yarm
23. Miss Laura Emma Stubbs, 3 Sefton Way Yarm
24. Mr John Halliwell, 11 Eskdale Close Yarm
25. Mr David Barrett, 19 Davenport Road Yarm
26. Ms Christine Franklin, 21 Hird Road Yarm
27. Mr John Darbyshire, 32 Carew Close Yarm
28. Ms Sandra Mcleavy, 32 Carew Close Yarm
29. Mr David Storr, 16 Netherdale Close Yarm
30. Mr James Hunter, 12 Eskdale Close Yarm
31. Mr Ian Joseph Trainor, 38 Turton Road Yarm
32. Mrs Lisa Cambridge, 7 Wetherall Avenue Yarm
33. Mr Kevin Cambridge, 7 Wetherall Avenue Yarm
34. Mr D Tuffnell, 3 Ryedale Close Yarm
35. Mrs Jennifer Storr, 16 Netherdale Close Yarm
36. Mr Andrew Alexander, 100 Davenport Road Yarm
37. Mr Jason Taylor, 12 Harker Close Yarm
38. Mr Michael Kirk, 21 Atherton Way Yarm
39. Mr Matthew Moore, 24 Challoner Road Yarm
40. Mr Jim Underwood, 23 Enterpen Close Yarm
41. Mr Colin Kish, 72 Wetherall Avenue Yarm
42. Mrs Julie Tebbs, 63 Worsall Road Yarm
43. Mr Ralph Dandridge, 32 Scugdale Close Yarm
44. Mrs Lorraine Meakin, 26 Scugdale Close Yarm
45. Mrs Carolyn Brown, 1 Fairmead, Yarm
46. Mrs Karen Evans, 1 Kingsdale Close, Yarm

47. Mr Fraser Brown, 6 Griffiths Close, Yarm
48. Mr George Wells, 25 Ramsey Crescent, Yarm
49. Mrs Anne Percival, 4 Harker Close, Yarm
50. Mrs Michelle Hetherington, 4 Carew Close, Yarm,
51. Mrs Donna Davison, 64 Knaith Close, Yarm
52. Mrs Moira Dunnakey, 6 Scugdale Close, Yarm
53. Mr Mark Johns, 20 Dentedale Close, Yarm
54. Mr David Barber, Troutsdale Close, Yarm
55. Mr Graham Meadows, 3 Troutsdale Close, Yarm
56. Mrs Catherine Holdsworth, 2 Turton Road, Yarm
57. Mr John Harrington, 18 Atherton Way, Yarm
58. Ms Bridget Hall, 15 Coulson Close, Yarm
59. Mrs Lucy Wray, 49 Davenport Road, Yarm
60. Ms Shailee Lathe, 9 Conyers Close, Yarm
61. Mr Steven Scott, 32 Eskdale Close, Yarm
62. Patricia McFarlane, 49 Rigby House, The Meadowings, Yarm
63. Melvyn Smith, 25 Rigby House, The Meadowings, Yarm
64. Mrs Liz McDonald, Field House Farm Worsall Road, Yarm
65. Ms Tracy Barber, 37 Dentedale Close, Yarm
66. Mrs Lynn Tate, 6 Hoope Close, Yarm
67. Miss Fiona Lees, 38 Scugdale Close, Yarm x 2
68. Mr James Lees, 9 Merlay Close, Yarm
69. Mr M Kilburn, 51 Davenport Road, Yarm
70. Mrs Victoria Place, 56 Wetherall Avenue, Yarm
71. Mr James Hall, 33 Knaith Close, Yarm
72. Mr Joanne Hall, 33 Knaith Close, Yarm
73. Mrs Lisa Husband, 95 Davenport Road, Yarm
74. Mr Afaq Ahmed, 28 Clapham Road, Yarm
75. Mr Andrew Bourner, 6 Eskdale Close, Yarm
76. Mrs Tanzela Ahmed, 28 Clapham Road, Yarm
77. Lawrence Bean, 16 Atherton Way, Yarm
78. Mrs Isabelle Bean, 16 Atherton Way, Yarm
79. Mr Christopher Evans, 5 Winter Close, Yarm
80. Mr Gavin North, 33 Davenport Road, Yarm
81. Miss Alice Victoria Kilburn, 51 Davenport Road, Yarm
82. Andrew Fletcher, 34 Scugdale Close
83. Mrs Carole Meadows, 3 Troutsdale Close, Yarm
84. Owner/occupier, 10 Beckwith Road, Yarm
85. Mr and Mrs I Fishburn, 4 Clapham Road, Yarm
86. Mr Paul Coulson, 5 Skirlaw Road, Yarm
87. C Matthewman, 13 Skirlaw Road, Yarm
88. J.A. Upson, 1 Coronation Crescent, Yarm
89. Mr A Irwin, 14 Merlay Close, Yarm
90. Mrs W Madden, 65 Beckwith Road, Yarm
91. S. Harvey, 12 Knaith Close, Yarm
92. Pushpinder Somal, 26 Turton Road
93. Elaine Garbutt, 9 Ramsey Crescent, Yarm
94. K.V. Longstaff, 10 Ryedale Close, Yarm
95. J.A. Longstaff, 10 Ryedale Close, Yarm (duplicate objection of above)
96. Mr and Mrs Jones, 41 Challonor Road, Yarm
97. A Evans, 32 Sheepfoote Hill, Yarm
98. 11 Conyers Close, Willey Flatts, Yarm
99. John Palmer, 61 Rigby House, Yarm
100. Mrs Edythe Palmer, 61 Rigby House, Yarm
101. Mrs Dorothy Fisher, 32 Atherton Way, Yarm

- 102. Mrs E Medd, 19 Coronation Crescent, Yarm
- 103. Mrs Diane Manning, 60 Rigby House, Yarm
- 104. Mrs E.M. Jarvis, 134 The Meadowings
- 105. Onkar Somal, 26 Turton Road
- 106. A Harper, 12 Knaith Close, Yarm
- 107. Mrs J Lorenz, 5 Kingsdale Close, Yarm
- 108. Claire Evans, 32 Sheepfoote Hill, Yarm
- 109. E Taylor, 88 The Meadowings, Yarm
- 110. Laura Stubbs and petitioners, 3 Sefton Way, Yarm

The objections received are summarised as follows;

- Proposed retail unit unnecessary as service already provided within estate including Turton Road convenience shop, Aldi (Healough Park) and Yarm High Street. Reference is made to a new shop/store being provided on the new development at Morley Carr Farm
- Loss of business/increase in competition
- The proposal could result in property devaluation
- Loss of public house to detriment of community and should be retained
- Increase in traffic, raising highway and pedestrian safety issues
- Increase in litter
- Increase in Anti-social behaviour and crime including youth congregation
- Impact on residential amenity in terms of noise and disturbance from customers, delivery vehicles etc.
- The alterations will be out of keeping with the area, resulting in an adverse visual impact
- Reference is made to two refused applications at the site for a banner (98/1632/P) and children's play equipment (92/1263/P)
- There is no need for an ATM as the High Street has a number of banks and ATMs
- The application would not allow for the remaining part of the building to be used as pub and the scheme includes flatted development
- The proposed flats proposed are not in keeping with the estate.
- Works to planting/reduction in hedge height to 2m
- Remove permitted development rights to change the use to retail through an Article 4 Direction
- Control any proposed recycling facilities in the future

2 letters of support were received from the following addresses;

- Mrs Sharon Ross, 3 Atherton Way Yarm
- Mrs Shirley Senyurek, 1 Penwick Close Yarm

The support letters received are summarised as follows;

- a retail use would not cause any further disturbance than a public house
- the proposal would create employment
- there are sufficient pubs and restaurants in Yarm and the former pub was never a success

2 'representations' (indicating neither support nor objection) have been received from the following addresses;

- Mr David Halliday, 106 Davenport Road, Yarm, Stockton-On-Tees TS15 9TW
- Martin and Joyce Westwood, 12 Norderdale Close, Yarm

The representation letters received are summarised as follows;

- The ATM opening times should be restricted
- Issues raised by objectors such as noise, litter, deliveries etc. apply equally if the building was retained as a pub

- The community is already well served by local facilities
- A number of measures/conditions should be put in place to address potential issues such as car parking, impact on trees, noise disturbance.

PLANNING POLICY

111. 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

112. 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

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

114. 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;

115. 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.

116. 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.

117. 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.

Shop Front Design and Advertisements Supplementary Planning Document (November 2013)

5. Shop fronts Guiding principles

5.1 Shop Fronts are an integral part of the facade of a building and play an important role in creating a sense of place, particularly at the pedestrian scale. However, the first stage of designing any shop front or advertisement is to consider the context of both the building and wider area. It will be important to consider the scale and proportions of the property, neighbouring buildings and shop frontages to emphasise differences between them, creating a more vibrant and locally distinctive place.

5.2 Context involves the visual relationship to the surroundings. Whilst each building is individual, it remains and form part of a much bigger picture, often referred to as the streetscape or street scene. Understanding the context of a building will involve an assessment of how not only the various elements of the building work together but also how it sits alongside the adjacent buildings and wider street scene.

5.3 Having gained an understanding of the wider context of an area or street scene, designers should consider the scale and proportions of the property and neighbouring buildings and be aware that changes to one property may have a knock effect on others.

The function of the shop front

5.4 Shop Fronts serve a variety of functions, primarily they allow light into the ground floor and provide an area for the display of goods. They also provide visual and physical support for the upper floor(s) of a building. However, they form only one element of a building and consideration will need to be given to the architectural style of the building as a whole.

MATERIAL PLANNING CONSIDERATIONS

118. The main planning considerations with respect to this application are the impact on the character and appearance of the existing building and surrounding area, the impact on the amenity of neighbouring properties and highway safety. These and any residual matters are considered below.

Character and appearance of existing building and surrounding area

119. The proposed external alterations to the building, siting of the bin store and works to facilitate additional car parking are considered to be of a modest scale and design, and the works are considered to be proportionate to the existing, established commercial building which is of limited architectural merit. In view of the above, it is considered that the proposals will not adversely affect the character and appearance of the surrounding area.

Impact on protected trees and other landscaping features

120. The proposed car parking bays and bin store enclosure would be sited within close proximity to three of the four protected pine trees within the site. The applicant has submitted a revised plan showing the reduction in the car parking bays to allow for the necessary protection of the adjacent, protected pine trees. The Council's Landscape Officer has raised

no objections to the scheme subject to a full scheme for the protection of the trees which can be secured by a planning condition and an informative.

121. The submitted tree survey indicates that the existing hawthorn/elder planting that forms a hedge along the western boundary was "*once managed at 2m but now uncut - if left will continue to break-up due to multi stemmed nature of stock*". The survey therefore recommends re-cutting the hedge to a lower height. These works would not require any form of planning permission in this instance.

Amenity of surrounding properties

122. The application site relates to an established commercial premises and associated curtilage/car park, situated within a predominantly residential estate. The closed boarded fencing of residential properties (and occasional hedge/planting) is present along the north and north east boundaries to the rear with trees/hedging to the west.
123. It is considered that the proposed external alterations, proposed bins store and works to facilitate the additional car parking are considered to be modest in scale and are not considered to significantly reduce or adversely affect separation distances or relationships to surrounding properties. It is therefore considered that the proposals will not result in an adverse loss of amenity, privacy and noise disturbance for surrounding properties. Furthermore, the Council's Environmental Health Unit has raised no objections to the application subject to a condition limiting hours of construction and deliveries associated with any construction works. This can be secured by a planning condition.
124. A number of objections have raised concerns regarding the resultant impacts of the proposed (and permitted) retail use in terms of noise disturbance from customers, increase in litter, delivery wagons manoeuvring within the site, waste collection, and the general hours of use. Whilst these concerns are acknowledged, consideration is given to established, commercial operation of the public house within this residential estate including the noise and activities that would be associated with a public house. As set out above, the change of use to retail constitutes permitted development. As such, the hours of operation of the proposed retail use and hours of delivery would fall outside of the parameters of control of this current planning application. Furthermore, matters of litter would not be controlled by this current application.

Highway safety

125. Objections raise concerns over the impact on highway and pedestrian safety, in particular the impacts on the roundabout and school children crossing the nearby roads.
126. The Head of Technical Services has assessed the application and has raised no objections to the scheme, acknowledging that the change of use to retail is permitted development and therefore does not form part of this application.
127. The Head of Technical Services has commented that the "*car parking and servicing areas are provided within the site and therefore it is considered that this proposal will have no more impact on the adjacent highway than the previous use as a public house*". With respect to the widening of the access between the roundabout and the red line boundary, this would require a Section 278 agreement. The applicant has been made aware of this requirement which is appended as an informative.
128. Subject to the above, it is considered that the proposed works would not result in detrimental loss of highway or pedestrian safety.

Residual Matters

Request for Article 4 Direction

129. Objections from both 'Save Stockton South' and a submitted petition have requested that the Local Planning Authority make an Article 4 Direction on the application site. The objections indicate that the building should be retained as a pub, that a local shop has "*served the community for over 40 years. We do not need another shop*" and that the "*Layfield Arm is a valued facility which does meet the day-to-day needs of the local community*" and would therefore be contrary to the aims of the National Planning Policy Framework (para. 70).
130. It should be noted that an Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore would require a planning application. This then gives a local planning authority the opportunity to consider a proposal in more detail but would not ensure that such an application would be refused.
131. Furthermore, an Article 4 direction is limited to situations where this is necessary to protect local amenity or the wellbeing of the area or where there is an identified significant impact as a result of the permitted change of use or permitted development. Should a local planning authority make an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn.
132. In view of this established permitted change of use that has been accepted by Governments since 1988 and that there is not a clearly identifiable impact as a result of the permitted development, it is considered that there is not a particularly strong justification for the withdrawal of permitted development rights and therefore the request would not satisfy the requirements of an Article 4 Direction in this instance (as outlined within National Planning Practise Guidance).
133. The Government in recent Ministerial Statements has commented that National permitted development rights are an important part of the planning system; providing flexibility, reducing bureaucracy and allowing the best use to be made of existing buildings. The Government is keen to avoid blanket regulations that would lead to more empty and boarded up buildings and recognises the economic, environmental and social benefits of allowing redundant buildings to be converted into productive uses without excessive red tape.

Community Safety Implications/Anti-social behaviour

134. Issues such as fear of crime and a scheme increasing anti-social behaviour/vandalism/youth congregation in an area are based on assumptions and not supported by evidence as to the characteristics of the future occupiers or users of facilities and should therefore not be taken into account in the determination of this proposal.
135. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that the proposed scheme will lead to an increase in anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application.
136. Furthermore and as set out above, Cleveland Police's Architectural Liaison Officer has raised no objections in principle to the scheme and has provided a number of advisory comments in respect of the development putting in place measures to reduce the potential of

crime and disorder. This would include good lighting to car parking and footpath areas, the provision of a secure bin store, the provision of CCTV coverage of shop frontage in addition to internal CCTV, and suitable security standard measures to doors and windows. The applicant's agent has acknowledged these comments, which can also be secured by an informative.

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

Other matters

138. With respect to the objections regarding the use being unnecessary, such retail use being catered for within the estate, a loss of business for nearby retailing uses and property devaluation, these are not material planning considerations as planning permission is not required for the change of use.

139. Reference is made within objections to previously refused developments at the application site; these related to signage (refused February 1999), and a children's play area (refused October 1992). However, these refusals related to the former public house use. Furthermore each application should be considered on its own individual merits and in this instance, the development, including the external alterations, is considered to be acceptable for the reasons detailed within this report.

140. With respect to the proposed flatted development at first floor level, as set out above, the applicant has indicated that this may be subject to a separate planning application in the future. The submitted plans indicate that the proposed use does not intend to occupy the full ground floor of the building. Any future uses or external alterations to the remaining ground floor of the building would be subject to further planning applications should any future use or external alterations require planning permission and therefore such matters do not form part of the considerations of the current application.

141. Reference is made to the scheme being contrary to "Policy L1b 'Loss of Leisure Facilities' of the Development Control Local Plan". This is not a planning policy for Stockton on Tees and is therefore not relevant to this application.

142. Comments have been received in respect of the potential siting of a recycling facility. The submitted plans do not indicate any such proposals.

143. As set out above, the original proposal for an ATM has been omitted from the application and therefore any objections relating to this are no longer relevant.

144. Any signage relating to the future occupiers of the building would be subject to a separate form of planning control, the Town and Country Planning (Control of Advertisements) England Regulations 2007 as amended should such signage not benefit from the deemed advertisement consent provisions and require consent.

CONCLUSION

145. It is recommended that the planning application be approved with conditions for the reasons 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:

Paragraphs 036 – 054 of National Planning Practise Guidance (NPPG) – online document <http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>