

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 November 2015

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

14/2781/LBC

Thompson 71 High Street and 71A High Street, Yarm

Listed Building Consent for change of use from A1 and B1 unit to A3 Use and associated external alterations

Expiry Date 17th November 2015

SUMMARY

The application seeks listed building consent for works to facilitate the change of use of the property from the existing A1 ground floor use(Thompsons Travel Agent) and first and second floor offices (B1 use) to a single A3 use.

External works include changes to the shop front and installation of a flue to the rear. The property is a grade II listed building which has been heavily altered internally.

The works are considered to be acceptable in that the changes proposed are not considered to adversely impact on the character, appearance or significance of the listed building.

The application is recommended for approval with condition.

RECOMMENDATION

That planning application 14/2781/LBC 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>2014/44/106</i>	<i>13 November 2014</i>
<i>2014/44 /105</i>	<i>3 November 2014</i>

L100B	6 March 2015
1444.2.2.101 REV F	4 August 2015
2014/44/106 REV A	25 February 2015

Reason: To define the consent.

- 03. Notwithstanding the submitted details full details of the proposed shop front including new lighting and signage shall be submitted to and approved in writing with the local planning authority before those elements of the works are commenced on site. The works shall be carried out in accordance with the approved details.**

Reason:- In the interests of the amenities of the listed building to be conserved

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

SITE AND SURROUNDINGS

1. The application site comprises 71 High Street Yarm a Grade II Listed end-of-terrace, three storey commercial property situated centrally on Yarm High Street at the corner with High Church Wynd, opposite the Town Hall. At ground floor the property is in use as Thompsons estate agent. The upper floors of the building are 71 A High Street, accessed via an independent access on High Church Wynd and currently have approved office use, which are currently vacant.
2. The application site is unit located within the Town Centre of Yarm falling within the Yarm Conservation Area. The surrounding area is a mix of uses including residential, commercial and office. The application site is located to the west of the High Street, one of the primary routes through the Town Centre.
3. Adjoining on the north elevation is Reeds Renton estate agents with Artemis hairdresser above. Opposite High Church Wynd is the House clothing store with associated café.
4. Public on street car parking is available to the front of the premises and a bus stop is located to the north. Vehicle access is available on High Church Wynd and the Wynd is yellow lined and narrow in nature, with The House having a side stepped entrance to the Wynd.

PROPOSAL

5. The application seeks listed building consent for works to enable a change of use of the premises from A1 and B1 use to a single A3 use. Dining areas are proposed at ground and first floor level with toilets at ground floor and kitchen area at 2nd floor with stores provided at 3rd floor level.

Specific works include:

Proposed shop front changes
Installation of a flue on the north elevation
Installation of 2 dumb waiters
Internal reconfiguration including formation of toilets at store at ground floor and removal of existing toilets at first floor level to create an increased dining area.

An associated application for change of use of the premises from A1 and B1 use, to A3 use class (application 14/2780/COU) has been submitted.

CONSULTATIONS

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

Yarm Town Council

Yarm Town Council wish to object to this change of use and fully support the comment of Jackie Earl as submitted 9th December 2014. The Town Council are concerned about the affect the proposals will have on the residents in High Church Wynd. There will be extra noise, extra traffic and deliveries of food and beer wagons to the top of the Wynd which is very narrow. This in itself will cause traffic congestion either on the High Street outside of the House or on High Church Wynd.

It is highly congested at the moment without a restaurant being in situ complicating access to High Church Wynd.

Yarm Town Council acknowledges the provision of a bin storage area however, as there is no rear entrance to the property, stored waste and dustbins would encourage a problem with rats and would be an environmental issue waiting to happen

Our original concerns are still very much unanswered and include the fact that there is no lift in the property and access and egress will be by stairs used by both servers and customers. We feel that this is a health and safety issue and we are also concerned with the lack of access for disabled users. We therefore object strongly to this proposal

Both of these areas need to be addressed. There is no lift within this property which means that access for a disabled person is restricted. This further raises issues of how the staff will get from floor to floor with food and waste. Yarm Town Council would like this issue to be addressed at this stage rather than having to formally object to the application.

PUBLICITY

Neighbours were notified and the application was given wider publicity through the display of a site notice and press advertisement. A total of 4 objection letters have been received from the following addresses with the main objections summarised below.

The full details of the objections can be viewed on line at the following web address
<http://www.developmentmanagement.stockton.gov.uk/online-applications/>

Responses were received from the following addresses:

1. Jackie Earl, 79A High Street, Yarm
2. Mr Craig Harrison, 1B High Church Wynd, Yarm

3. Alan Judge, 8 West Street Yarm
4. Mr J Earl, 15 High Church Wynd

The main concerns relate to:

- Noise
- Extra Traffic
- Impact on residential amenity
- Encroachment into residential area
- disturbance
- Future sale of property
- Disturbance from bins
- Disturbance from delivery vehicles
- Pedestrian conflict with vehicles on High Church Wynd
- Inconvenience to users of High Church Wynd and conflict with delivery vehicles
- Impact on bus stop from delivery vehicles
- Increased noise and antisocial behaviour
- Fails to preserve or enhance the character of the conservation area
- Conflict with planning policy

PLANNING POLICY

The application will be considered in line with the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the “Listed Building Act”) provides that “in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

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

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

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

National Planning Policy Framework

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

For decision-taking this means:

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

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

Para 128 of the NPPF states;

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Para 129 states "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

Para 131 states that in determining planning applications, local planning authorities should take account of:

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

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

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

Para 132 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

Para 134 states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

MATERIAL PLANNING CONSIDERATIONS

6. Sections 16, 66 and 72 of the Listed Buildings Act requires the LPA to give special consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to the desirability of preserving or enhancing the character or appearance of that area.

7. Development decisions should accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasizes that they should be conserved in a manner appropriate to their significance
8. The main considerations of the application are the affect of the works on the character, appearance and significance of the grade II listed building.
9. The application is accompanied by a heritage impact assessment as required by paragraph 128 of the NPPF.
10. Internally there have been many changes to the interior of the building since original construction. A number of the original walls have been replaced with stud walling and there is little remaining evidence of the buildings unique historic features internally. At upper floors, the building is in use as offices and there is no semblance of original room structure or historic features.
11. Internally, the historic fabric of the building will be conserved albeit the minor rearrangement of internal walls and doors, installation of a new staircase to ground floor and installation of two dumbwaiters. As already mentioned, the majority of the original walls have been replaced with stud walling and are therefore not of historic value.
12. There would be no demolition of the existing building. Internally the changes proposed to walls relate only to stud work and all of the proposed changes have been examined on site.
13. The proposals do not include any external structural alterations on the front elevation although changes to the existing shop front are proposed. However, these will not significantly change the appearance externally but merely reflect a changed use whilst being sympathetic to the building and its surroundings.
14. A flue will be installed on the north elevation; however this will not be visible out with the immediate surroundings being screened by neighbouring buildings and it is not considered that this would adversely impact on the character or the setting of the listed building.
15. The changes proposed relate to the modern fabric of the listed building and it is not considered that the proposed alterations would adversely impact on the character, appearance or significance of the listed building.

Other matters

16. There have been a number of letters of concern from neighbours, as these relate to material planning considerations of generally noise and nuisance these will be addressed in the accompanying report for change of use (application number 14/2780/COU) and are not a material consideration of this application for listed building consent.

CONCLUSION

17. The application is considered to be in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act and therefore it is recommended that the application be approved with conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Fiona Bage Telephone No 01642 526271**

WARD AND WARD COUNCILLORS

Ward Yarm
Ward Councillor Councillor Ben Houchen

Ward Yarm
Ward Councillor Councillor Elsi Hampton

Ward Yarm
Ward Councillor Councillor Julia Whitehill

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: As report

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

Planning Listed Buildings and Conservation Areas Act

Supplementary Planning Documents

SPD4 – Conservation and Historic Environment Folder