

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

27 January 2016

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

15/2921/LAF

Yarm Library, 41 - 43 High Street, Yarm

Proposed part change of use of ground floor of Yarm Library to A2 use. Refurbishment of existing Library to include a single storey side extension and alterations to entrance doors and windows.

Expiry Date 28th January 2016

**SUMMARY**

The application seeks part change of use of the ground floor of Yarm library to be used as A2 office use, for use by Newcastle Building Society. The works also include external alterations of refurbishment to the existing library and a minor side extension for an accessible toilet.

The application has been considered in accordance with consultee comments, national and local planning policy.

The proposal is considered to be acceptable and will not have an adverse impact on the amenities of the Yarm Conservation Area, neighbouring properties or the vitality and viability of Yarm District Centre.

The application is recommended for approval with conditions as set out below.

**RECOMMENDATION**

That planning application 15/2921/LAF be approved subject to the following conditions and informative below;

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>TS10317.0502.14</i>	<i>23 November 2015</i>
<i>TS10317.0502.00</i>	<i>23 November 2015</i>
<i>TS10317.0502.01</i>	<i>23 November 2015</i>
<i>TS10317.0502.08</i>	<i>20 November 2015</i>
<i>TS10317.0502.02</i>	<i>23 November 2015</i>
<i>TS10317.0502.03</i>	<i>20 November 2015</i>

**Reason: To define the consent.**

## **02 Tree Protection**

**Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:**

- 1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations**
- 2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007**

**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 all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider to provide important amenity value in the locality.**

## **3. Window and Door colours**

**Notwithstanding the submitted information, the finished colours of the windows and doors hereby approved shall be agreed in writing with the local planning authority before that part of the development is implemented.**

**Reason:- In the interests of the amenities of the Yarm Conservation Area.**

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

#### **Informative: Working Practices**

**The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application**

### **SITE AND SURROUNDINGS**

The application site is Yarm Library situated on the High Street of Yarm, within the Yarm Conservation Area.

The existing building houses public library facilities for Stockton Borough Council.

To the north the adjoining unit is in use as Boyes retail store (A1) and to the south number 39 High Street is in use as an estate agents (A2) and travel agents (A1).

To the rear there is a landscaped garden area and beyond the residential properties of the Old Market.

Public car parking is available on Yarm High Street to the front of the Library.

## **PROPOSAL**

The application seeks planning permission for part change of use of the ground floor of Yarm Library to A2, financial use, to be leased by Newcastle Building Society.

Currently the floor area available for use by the library is approximately 250m<sup>2</sup>. The new layout will allow an area of approximately 23m<sup>2</sup> to be given to the use of Newcastle Building Society for financial office use. The rest of the building will remain in library use.

The proposals also include refurbishment of existing Library to include a single storey side extension and alterations to entrance doors and windows.

The extension at ground floor level will provide an accessible toilet/baby change and new entrances and ramp approach in line with DDA requirements is to be constructed. There will be an increase in the footprint of the building to accommodate the new access and accessible toilet amounting to approximately 20m<sup>2</sup>. The High Street frontage will be upgraded with the provision of new powder coated aluminium windows.

The existing landscaping to the rear is to be retained with alterations to the paved area to give a level and sloped approach away from the building to the rear via new glazed folding doors opening the library out into the rear area. The existing rear garden area which is bounded by brick walls to the south and west is to be fenced on the north elevation using herring fencing at a height of 1.6m; the fencing works are permitted development.

## **CONSULTATIONS**

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

### **Highways Transport and Environment**

#### General Summary

Subject to the comments below, the Highways Transport & Environment Manager has no objections to the proposed development.

#### **Highways Comments**

There is public car parking nearby and good public transport links therefore, no highway objections are raised.

#### **Landscape & Visual Comments**

There are no landscape and visual objections to the proposal. However, we recommend inclusion of a tree protection condition to protect the existing trees within the courtyard to the rear of the building during construction, and to prevent storage of materials within the Root Protection Area. The suggested condition wording is included below.

Informative

UDLV09      Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations
2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007

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 all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider to provide important amenity value in the locality.

### **PUBLICITY**

The application was publicised by press advertisement, site notice and letters to adjacent occupiers and ward councillors were notified and no comments were received.

### **PLANNING POLICY**

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

#### **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.

#### **Paragraph 17**

Development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

#### **Paragraph 123.**

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

### **Local Planning Policy**

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

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

8. Additionally, in designing new development, proposals will:

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

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

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**

1. The main considerations of the application are the principle of the change of use proposed, the impact on the amenities of the areas including neighbouring properties and the Yarm Conservation area, highway and landscape implications and flooding.

#### Principle of change of use

2. Yarm is a designated district centre as set out in policy S1 of Retail Alteration Number 1.
3. Retailing underpins all District Centres and is therefore considered to be the crucial element of their vitality and viability. In accordance with Policy S2, the District Centres could also

potentially have a role in accommodating facilities which cannot be located in Stockton Town Centre.

4. The proposal looks to introduce 23m<sup>2</sup> of A2, office use (building society) to the rear of the library. The use will comprise a clerical and admin area, with waiting area and meeting room.
5. The existing library use is a D1 use. There are therefore no planning policies that protect D1 uses within Yarm district centre or that would restrict the introduction of the A2 use proposed within the centre.
6. Paragraph 38 of Alteration No 1 of the Stockton on Tees Local Plan states that  

“ Proposals for change of use at ground floor level will generally be supported provided that they respect the character and appearance of the Conservation Area and maintain existing levels of residential and local amenity. Such measures are considered to be fundamental in safeguarding Yarm’s attractiveness, as a place to visit, live and shop.”
7. It is considered that the part change of use will not undermine the existing library function of the unit consisting of only a limited change in floor area. Additionally A2 uses are considered to be appropriate uses in town centres locations and the addition of the A2 use within the library building may encourage greater footfall and visitors to the library and be of mutual benefit to both operating functions.
8. The change of use is therefore considered to be acceptable and will not have an adverse impact on the function of the existing library use or the ability of Yarm to function as a district centre.

#### Impacts on amenity

9. The property lies in the Yarm conservation area and is a building of modern construction. The property’s main frontage faces on to Yarm High Street and has a somewhat dated appearance. The intention is to refurbish the library providing new windows, doors and entrance to enhance its appearance in the street scene.
10. The proposed works of replacement windows and entrance doors to the front elevation are minor works which are considered to be acceptable and will not adversely impact on the appearance of the building in the street scene.
11. Due to the nature of the works and the limited changes to the character of the building it is not considered that the proposal raises any issues in regards to the impact on the amenity of the Yarm conservation area. Controlling conditions can be applied to ensure an appropriate window and door colour.

#### Impact on neighbours

12. The property sits on the High Street in the centre of Yarm in an area characterised by a mix of uses including commercial premises which directly adjoin to the north and south. To the south the property is separated from Boyes by an alleyway that runs from the High Street to the Old Market.
13. Boyes is a substantial modern structure with a blank brick elevation towards the north, side elevation of the library. There is an existing side entrance door for the library on this elevation and the changes proposed to this entrance and the new toilet extension is not considered to impact on this property due to the solid blank elevation. The extension is a

minor addition which will not be visible out with the immediate confines of the site and will not impact on the existing access within the alleyway.

14. The addition of the new use A2 use within the library building is not considered to raise any concerns in regards to amenities of neighbours as only a small area of the building will be given over to the new use. Any increase in movements associated with the new use is unlikely to be substantially different from the current library use at the premises.
15. To the rear west beyond the landscaped garden area are the residential properties at the Old Market. The only adjoining residential property to the south west is 19A High Street. This is a property with tall proportions and a rear Juliet balcony. The rear of the library is separated from the curtilage of this property by a high boundary wall which also runs on the west elevation enclosing the landscaped garden. The changes to the rear elevation of the library introduces new concertina doors facing into the existing library garden area. Due to the relationship with the neighbouring residential properties, the separation distances in place and the screening in place by the existing library boundary wall it is not considered that the minor works raise any issues of amenity in regards to this neighbouring property in terms of noise, nuisance or overlooking above and beyond the existing situation.
16. The fencing works proposed to enclose the rear landscaped garden area are permitted development, this area of land is associated with the existing use of the library and no change of use is proposed.
17. Consequently the application is considered to be acceptable in regards to the impact on the amenities of the area and neighbouring properties and is considered to comply with policy CS3 (8) and paragraph 17 of the NPPF.

#### Highways and car parking

18. The Highways Transport and Environment Manager has provided formal comments in relation to the application. Noting that there is public car parking nearby and good public transport links in the area, therefore no highway objections are raised.
19. It is not considered that the limited works and minor change of use proposed would result in any additional demand for car parking above and beyond the existing situation which cannot be met through the existing nearby public car parking. It is therefore considered that the application is acceptable in regards to the impact on car parking and highway impacts.

#### Trees

20. There are established trees in the rear landscaped garden area and the Highways Transport and Environment Manager recommends inclusion of a tree protection condition to protect the existing trees within the courtyard during construction. Therefore, subject to a controlling condition the application is considered to be acceptable in regards to the impact on existing trees.

#### Flooding

21. The application site is located in flood zone 3 which is an area considered to be at high risk of flooding. The application is accompanied by a flood risk assessment and due to the nature and type of the development and limited extension proposed; it is not considered that the proposal raises any adverse flooding issues.

## **CONCLUSION**

22. The proposal is considered to be acceptable in that it will not adversely impact on the vitality or viability of Yarm District Centre.
23. Additionally it is considered to be acceptable in regards to the impact on the visual amenities of the area including the Yarm Conservation Area and the amenities of neighbouring properties and is considered to be in accordance with development plan policies CS3 and saved policy EN24. Furthermore, the proposal raises no adverse issues in regards to highway safety, landscaping or flooding. The application is therefore considered to be in accordance with the provisions of the development plan as a whole.
24. 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**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor(s)</b>	<b>Councillor Ben Houchen</b>
<b>Ward Councillor(s)</b>	<b>Councillor Elsi Hampton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Julia Whitehill</b>

## **IMPLICATIONS**

**Financial 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**

Stockton on Tees Local Plan Adopted 1997

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy – 2010

## **Emerging**



Regeneration and Environment Local Plan – Publication February 2015.

**Supplementary Planning Documents**

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder

SPD7 - Shop Front and Advertisement Design Guide