

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**27 October 2021**

**DIRECTOR OF FINANCE, DEVELOPMENT  
AND BUSINESS SERVICES**

**21/0651/LBC**

**123 High Street, Yarm, TS15 9BB**

**Listed building consent to facilitate change of use of ground floor from residential to retail to include associated internal and external alterations.**

**Expiry Date 18 May 2021**

### **SUMMARY**

The application seeks listed building consent for internal and external alterations to the listed building. There is also a separate pending application for planning permission for the change of use of part of ground floor from Residential (C3) to Retail (E) to include alterations to existing dwelling and outbuildings to create ancillary residential accommodation. As well as the conversion of the rear outbuilding to residential annexe to include first floor elevated terrace, ref 21/0650/FUL.

Eight letters of objections have been received following the public consultation. There has been no comments received from the amenity society.

The main considerations of this application are the compliance of the proposal with Listed Building Act and the NPPF and whether the proposed works would have an impact on the significance of the heritage assets and it's setting, as well as the setting of adjacent heritage assets.

In summary, the proposals are considered to conserve the character, appearance and significance of the building and will not adversely impact on it as a building of special historic interest. The proposals are therefore considered to comply with the listed buildings act and the guidance of the NPPF

### **RECOMMENDATION**

That planning application 21/0651/LBC be approved subject to the following conditions and informatives below;

01 Time period for commencement:

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 Approved Plans:

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
L018123-001 REV A	23 March 2021

L018123 - 010 REV D	1 July 2021
L018123 - 015 REV B	1 July 2021
L018123 - 016 REV D	1 July 2021
L018123 - 017 REV E	1 July 2021
L018123 - 020 REV B	1 July 2021
L018123 - 009 REV B	08 March 2021

Reason: To define the consent.

03 Works of making good

All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution, and finished appearance except where indicated otherwise on the drawings hereby approved or otherwise agreed in writing with the Local Planning authority.

Reason: In order to safeguard the special architectural and historic interest of the building

04 Details of proposed external materials

Notwithstanding the submitted information details of all external finishing materials including samples (as appropriate) shall first be approved in writing with the Local Planning Authority prior to that element of the works been installed at site.

Reason: To ensure materials that are compatible and appropriate for the listed building.

## **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.

## **BACKGROUND**

1. Application for change of use of part of ground floor from Residential (C3) to Retail (E) to include alterations to existing dwelling and outbuildings to create ancillary residential accommodation. Conversion of rear outbuilding to residential annexe to include first floor elevated terrace (ref; 21/0650/FUL). The application is currently pending consideration and is before Members.

## **SITE AND SURROUNDINGS**

2. The site is a Grade Two Listed three storey mid terrace property within the Yarm Conservation Area. The adjoining properties are also listed as its the Viaduct which runs along the western boundary.
3. The detached outbuilding does not form part of the listing details, but would be listed as a curtilage building.

## **PROPOSAL**

4. Listed building consent is sought to facilitate the change of use of ground floor from residential to retail to include associated internal and external alterations, including outbuildings. The main extent of works proposed are set out below, with a full assessment of the proposals detailed in the latter stages of this report.

### **123 High Street Yarm;**

- Layout alterations to ground, first and second floors

- Repairs and alteration to ceiling and walls including rooflights and new insulation
- A new beam over passage archway
- Window repairs and replacements.
- Removal of modern doorway and infilled with reclaimed brickwork
- Glazed doors to single storey west elevation

#### Outbuilding/Byre

- New roof
- New concrete floor with damp proof membrane and insulation
- Alterations to windows and provision of balcony

### **CONSULTATIONS**

5. The following Consultations were notified and any comments received are set out below (in summary);
6. Yarm Town Council – consider that not enough information had been provided to properly comment on this application which they regard as important given the requested change of use from residential to retail, expansion of facility as such in close proximity to residential properties and the impact of this upon a listed building that is highly visible within the High Street heritage aesthetic.

Request that further information is provided for future consideration by the Town Council and that this includes clarification on the following;

#### Scope of the Development

The initial information refers to a brewery and seating area being created at the back of the property. Further information is required as to the physical size of these elements and the nature of the associated structures and processes to be contained there-in (use of, noise, odour, chemicals, materials, manufacturing processes etc?)

#### Clarity on Proposed Usage re Scope of Development

The initial information provided regarding this development referred to the seating area purpose as "this is for future outside events". This raises a number of questions including:

- a) what is being defined as an 'event', what type of event?
- b) how many people will these events cater for?
- c) which days, at what times and how frequently will events be held?
- d) is a license for the sale of alcohol going to be applied for?

#### Impact of the Scope of the Development

Given a) - d) above, what is seen to be the potential impact upon the neighbouring residential and other properties and what is intended to be done to mitigate any potential negative impact?

#### Access

It is understood that there is to be a proposed cottage within the development plans. How will access to this and other parts of the proposal be achieved?

### **PUBLICITY**

7. Neighbours were notified by letter, press advert and site notice. A total of 8 letters of objection have been received. All those comments received are identified below (in summary) and a list of those who have contributed are listed below.
8. Objectors;
1. Mrs Mumby 6 Low Church Wynd Yarm,

2. Mr Graeme Lilico 5 Goose Garth Eaglescliffe,
3. Mrs Diana Clarke 8 Low Church Wynd Yarm,
4. Rebecca Bowers 4 Meynells Cottages Yarm,
5. Alexander Watson 10 Low Church Wynd Yarm,
6. Mr Iain Wallace 12 Low Church Wynd,
7. Mrs M Lee 14 Low Church Wynd Yarm.,
8. Drs Jason Easby And Dr Anita Butts 127 High Street Yarm

9. Objections

- A balcony to the rear of the Ancillary Accommodation of any size would still harm the privacy of adjacent properties. An application for a balcony on 10 Low Wynd was refused and dismissed at appeal.
- Noise from an elevated balcony would cause a serve disturbance to neighbouring properties.
- The gate at the rear of the property no matter what size would require permission from Network Rail.
- To put a large modern balcony, built on steel legs with opaque glass would resemble a large glass tank on stilts is not appropriate within a conservation area.
- The heritage assessment is bias
- The development of a brewery in the outbuildings and the intention to hold events in the courtyard would be classed as outside entertainment and would have an effect on neighbouring properties due to the noise and been in an enclosed space such as the courtyard would be amplified.
- Access to the service road of Low Church Wynd is not possible. The only alternative is off Bridge street crossing over Low Church Wynd and potentially the proposed pedestrian access to the new carpark. The service road is also not suitable for private cars.
- The proposed parking area in the rear garden would potentially have no access as the plans stated a bifold door would be installed on the byre and would cut of entry from the High street, entry at the rear is unlikely without permission from Network Rail. With no intention to provide a driveway from the gates it would appear these carparking place are to provide a large dry area at the bottom of the balcony stairs which again shows the plans are more for a commercial reason to provide outside entertainment then a just residential property
- No objection to the change of use of part of the ground floor; old butchers shop and adjacent living area to retail. I understand the existing butchers shop is small and in need of repair. Looking through the plans for 123, it looks like it will be a fabulous property, merging new and old.
- no objection (with caveats outlined below) to the change of use of the old barn area to an ancillary dwelling.
- Lack of details over parking area, more details and planning would need to be required should the area be used other than accommodation.
- Concerns over building times and damage to property.
- Concerns over home brewery; what is the location of fans and or flues (if any) that will be required for their emissions. Is there any proposal on acceptable noise levels, smells, time of operation, waste disposal etc?
- Concerns over noise and odour and lighting
- Lack of detail over the word Events on the plan
- Concerns over the intended use of the ancillary accommodation and potential amenity issues
- Was a butchers shop, however this has been vacant there are existing retail units in the District Centre (Yarm) in preference to conversion of residential propertyto retail. Other vacant units should be considered.
- I understand that the use classification applied for of E(a) would not cover use of the retail space as a coffee shop as indicated in the drawing title as highlighted above.

- No details of opening hours or number of employees
- Not clear if the proposed car parking spaces are intended for the commercial or residential use
- Plans indicate artificial lights to the proposed parking area.
- Noise from cars arriving and leaving, potentially at unsociable hours, will be exacerbated by the noise of cars travelling across a gravel surface. Light disturbance due to car headlights will also be a factor in the hours of darkness.
- Plans showing infilled windows on the north elevation shall be retained as shown objection regarding the venting and fume issues from the proposed WC and home brewery

### **PLANNING POLICY**

10. The application will be considered in line with the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. 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”
12. 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
13. 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
14. The following planning policies are considered to be relevant to the consideration of this application:-

#### **National Planning Policy Framework**

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. 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.

Paragraph 190. 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

Paragraph 192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets conservation.

## **MATERIAL PLANNING CONSIDERATIONS**

15. 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.
16. Development decisions should accord with the requirements of Section 193 of the National Planning Policy Framework which 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 assets conservation and in determining applications paragraph 192. states that local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
17. The submitted heritage assessment considers the proposed changes in the context of the conservation principle and matrix. The Historic England Advice Note 12 'Statements of Heritage Significance' (2019) recommends a staged approach to decision making which includes an assessment of impact on significance. The NPPF stresses that impacts on heritage assets should be avoided. Therefore, this assessment considers how adverse impacts have been avoided and / or minimised through their design and mitigation measures proposed where appropriate. The assessment has considered both the historic fabric of the listed building, its character and setting with each of the proposed elements of change suitably considered and demonstrated. It is therefore considered that this updated document provided an appropriate level of information in line with the significance of the asset as set out in

Paragraph 189 of the NPPF in order for the local planning authority to make an informed judgement on the application.

18. As set out within the Background section of this report there has been no previous application for Listed building works at the site.
19. The proposed works have been broken down within the submitted Heritage Assessment to consider the impact of each element. As set out above the Historic England Advice Note 12 'Statements of Heritage Significance' (2019) recommends a staged approach to decision making which includes an assessment of impact on significance. The NPPF stresses that impacts on heritage assets should be avoided. Therefore, this assessment considers how adverse impacts have been avoided and/or minimised through their design and mitigation measures proposed where appropriate.
20. Works to 123 High Street (Heritage Asset)

#### Ground floor alterations to layout

The removal of part of the wall will enable greater use of the retail space. Whilst not specifically designed for a retail use, the buildings in the High Street have all been adapted as such. The works retain the wall nibs and a pillar to reference the original wall position to minimise impact. This has been assessed as having a minor adverse effect.

#### First floor alterations to layout

Stud walls are proposed to form a dressing room and en-suite bathroom. The layout reflects the current layout of the second floor, taking a small section to the rear from the room. This retains the large bedroom space to the front of the building without significant change to character. The remodelling of the rear two storey section. This area is considered to be of low significance and alterations are considered neutral.

#### Second floor alterations to layout

A section of lath and plaster walling is to be removed to allow for the formation of a kitchen to the second floor. Whilst resulting in the loss of some historic fabric, the room is not of classical proportion and the significance of the space would not be compromised. This has been assessed as having minor adverse effect

#### Rooflights to room 5

The rooflights are sited on the north slope of the single storey outbuilding and are of small scale and not prominent in any significant views. This has been assessed as having neutral effect.

#### New beam over passage archway

The new beam is recommended in the Structural Report as the existing is unsuitable. This will be replaced with a steel beam which will be timber clad to maintain the current appearance. The existing timber is of no architectural interest, but the exposed timber does add to the character and appearance of the building. The works will enable the building to continue its life in a safe manner, being adequately supported. The impacts have been classified as minor adverse due to extent of intervention and loss of historic fabric but with beneficial effects from structural stability and reinstating appearance.

#### Floorboards to be retained and treated. New boards installed where necessary.

The floorboards are in varying condition but mostly good. Each needs to be assessed and treated and repaired or replaced as necessary. New boards to match existing in width, colour and type. The report considers these works to have a neutral effect.

#### Damp proof plaster to lower part of ground floor walls.

The external walls are currently lime plaster applied directly onto the brickwork. The lime has been ineffective at preventing rising damp at low level. This work is considered necessary in order to remove internal damp at ground level. This has been assessed as having a minor adverse effect.

Insulation of all external walls.

It is proposed to insulate all external walls through dry lining. The existing lime plaster will be retained behind the proposed finish. This has been assessed as having a minor adverse effect.

Removal or aertex coating to ceilings. Lath and plaster to be made good with plasterboard overboard and skim finish.

The removal of the asbestos material is required for health and safety purposes. Removal will damage the lime plaster beneath. Retention of the laths behind the plasterboard finish will retain some historic fabric. A plasterboard finish is considered suitable as this would improve upon the current appearance. Replacement with lime is considered overly prescriptive in this context.

Minor beneficial effect from removal of asbestos and uncharacteristic aertex finish.

Removal of second floor ceilings, insulate and expose king post truss.

The ceilings to the second floor are low. It is envisaged that opening up to reveal the trusses will add to the sense of space and enable view of the roof structure within the room. Whilst altering the current appearance within the room, this is enhanced by better revealing the structure beneath and is a common treatment in such spaces. This has been assessed as having a minor beneficial effect.

Window repairs and replacements.

Where 'repair' is stated this relates to original windows of significance within the context of the listed building that are in poor condition. Repairs will generally involve the sympathetic replacement of any dilapidated sections of frame, cills and beading, removal of existing paint and easing so that the windows become operable, replacement of any broken or missing glass on a like for like basis, sealing and redecorating. This has been assessed as having a minor beneficial effect.

Retention of internal doors or repositioning to keep them.

Generally, doors and associated hardware are to be retained and redecorated. Any doors affected by the proposals are to be repositioned. Retention preserves the architectural and historic significance of the listed building. This has been assessed as having a neutral effect.

21. Works proposed to the outbuilding have been categorised as;

Modern doors infilled with brickwork

Modern flush external doors are to be removed within the alley at ground floor level. These openings are to be infilled with reclaimed brickwork set back 90mm into the openings so that the openings can be appreciated within the context of the elevation. This has been assessed as having a neutral effect.

Glazed doors to single storey west elevation

These doors face into the courtyard area and will not be visible from the rear due to the other outbuildings obscuring any view. The fabric in this gable has been much altered and works do not affect legibility as a former outbuilding. This has been assessed as having a neutral effect.

22. Works proposed to detached two storey outbuilding (Byre)

New roof to byre



The existing pantile roof is beyond repair and requires replacement. Replacement with new handmade clay tiles will ensure the conservation of the building and preserve the character of the building and Conservation Area. This has been assessed as having a minor beneficial effect.

Insulated concrete floor to byre within ancillary accommodation area and damp proof membraned to inside face of external walls. Dry lining/insulation

Within the proposed ancillary accommodation the damp proof membrane from the proposed ground floor slab would be extended 1.1m up the inside face of the external walls and an independent insulated metal stud framed lining system (Refer to Appendix G ) would be introduced. The floor here is already concrete and therefore impact is minimised. Any bricks to the floor will be set aside and reused elsewhere. The works are localised to within a small area of the byre, the remainder retained as a store. This has been assessed as having a neutral effect.

Fenestration alterations and balcony.

The byre has timber slatted openings or boarded openings of agricultural character, but much altered and repaired over the years. The approach is to use a mix of simple plain glazing and boarding to retain that agricultural feel. A modern element is introduced to the west in the form of glazed doors on the first floor. This allows access onto a balcony to gain maximum views toward the viaduct. Whilst a modern addition, this should be balanced with the retention and restoration of the building as a whole. This has been assessed as having a minor adverse effect.

23. Over the submitted Heritage Assessment concludes that the works will result in minor beneficial, minor adverse and neutral effects, all of which provide a balance which is acceptable in heritage terms and overall that the works do not cause harm to the significance of the designated heritage assets.
24. It is considered that the submitted Heritage Assessment provides an appropriate level of information in line with the significance of the asset as set out in Paragraph 189 of the NPPF in order for the local planning authority to make an informed judgement on the application. Consideration has also been given to any public benefits which may arise from the development. Whilst these are limited due to the nature of the proposed works it is acknowledged that the works proposed will bring the host dwelling associated outbuilding back in to use and result in the reuse of redundant outbuildings which will secure their retention. This in itself is considered to be a public benefit and weighs in the favour of the application.
25. The main physical and visual intrusion would be the proposed balcony, whilst this would undoubtedly have a physical impact on the fabric and appearance of the Byre, it is considered following receipt of the revised plans, which is substantially less than the previous terrace was considered to have a minor adverse impact. It is still considered that even though the proposed balcony would be of a smaller scale and would use more sympathetic materials, the impact would still be minor adverse. However, in weighing up the wider benefit of the proposed works of introducing a new purpose to the building, ensuring its retention that, on balance, the identified impact would not be so adverse as to warrant refusal of the consent.

Setting of adjacent buildings:

26. In considering the impact of the proposed works on the setting of the viaduct, a grade 2 listed structure and the surrounding listed buildings, it is not considered that the alterations within the wider context of the site would be adverse and would on whole retain a neutral effect.
27. The amenity societies were consulted along with neighbouring properties. The amenity societies have not provided any comments in relation to the proposal. The neighbour's

comments have been received and have been summarised above. It is considered that were concerns have been raised in relation to the heritage assets these have been considered above.

### **CONCLUSION**

28. It is therefore considered that these works are acceptable and will not adversely impact on any historic fabric. The proposals are considered to conserve the character, appearance and significance of the building and will not adversely impact on it as a building of special historic interest. The proposals are therefore considered to comply with the listed buildings act and the guidance of the NPPF.

29. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Helen Boston Telephone No 01642 526080**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Julia Whitehill</b>
<b>Ward Councillor</b>	<b>Councillor Andrew Sherris</b>
<b>Ward Councillor</b>	<b>Councillor Dan Fagan</b>

### **IMPLICATIONS**

#### Financial Implications:

N/A

#### Environmental Implications:

N/A

#### 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 2019

#### Supplementary Planning Documents

SPD4 – Conservation and Historic Environment Folder

SPD7 - Shop Front and Advertisement Design Guide