

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**24 November 2021**

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

**21/0650/FUL**

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

**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.**

**SUMMARY**

Members will recall that the application was considered at the meeting on the 27<sup>th</sup> October 2021 and was deferred for a committee site visit. In addition, supplementary information has been included within the supporting appendices in relation to the refused balcony at 10 Low Church Wynd.

The application seeks 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. Conversion of rear outbuilding to residential annexe to include first floor elevated terrace. The application is to be considered alongside the listed building consent application, ref 21/0651/LBC.

Seven letters of objections have been received following the public consultation. There has been no objection from any of the technical consultees.

The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the impacts upon the character and appearance of the area, impacts on neighbouring properties, impact on the conservation area, highway safety, flood risk, ecology, archaeology and other material planning considerations.

The impacts of the proposal have been considered against national and local planning guidance and the development as proposed is considered to be in line with general planning policies set out in the Development Plan.

The proposal is also considered acceptable in terms of highway safety, does not adversely impact on the neighbouring properties and character of the Conservation Area, ecological habitat, archaeology, flooding and is recommended for approval with conditions as set out below.

**RECOMMENDATION**

**That planning application 21/0650/FUL be approved subject to the following conditions and informatives below;**

01 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 - 016 Rev D	1 July 2021
L018123 - 010 Rev D	1 July 2021
L018123 - 015 Rev B	1 July 2021
L018123 - 017 Rev E	1 July 2021
L018123 - 018 Rev C	1 July 2021
L018123 - 020 Rev B	1 July 2021

Reason: To define the consent.

02 Extent of commercial use

The hereby approved retail use shall be restricted to the area denoted on plan ref L018123 - 010 REV D as received by the Local Planning Authority on the 1 July 2021 and no other area of the site outlined in red on plan ref L018123-001 REV A.

Reason: For the avoidance of doubt and to ensure the occupiers of existing residential uses are not adversely affected.

03 Residential Use

With the exception of the retail area, the remainder of the host building, two outbuildings and amenity space shall form part of a singular C3 planning unit and shall not form part of any commercial activity.

Reason: For the avoidance of doubt and to ensure the occupiers of existing residential uses are not adversely affected.

04 Annex

The hereby approved annex shall be used as ancillary accommodation to the use of the main residential dwelling known presently as 123 High Street, Yarm, Stockton on Tees. This building shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only by members of the family or persons associated with occupiers of this main dwelling.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of sustainable development.

05 Flood Risk

The development shall be carried out in accordance with the submitted flood risk assessment (reference: Flood Risk Assessment for 123 High Street, Yarm, October 2021) and shall ensure the extra flood resistance and resilience measures as set within the Preparing a flood risk assessment: standing advice.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with paragraph 168 of the National Planning Policy Framework (NPPF).

06 Deliveries

No deliveries to the commercial premises shall be taken at or be dispatched from the site outside the hours of 07:00Hrs and 19:00Hrs.

Reason: To protect the amenities of neighbouring premises from noise and disturbance at unsociable hours

07 Hours of use

The commercial premises hereby approved shall not be open for customers outside the hours of 7am and 9pm Monday to Sunday.

Reason: In the interests of the occupiers of the neighbouring properties to protect against excessive noise and nuisance at unsociable hours.

08 Invasive Plants

Prior to commencement of development a detailed method statement for removing or the long-term management of invasive plant identified in the ecology report on the site shall be submitted to and approved in writing by the local planning authority.

The method statement shall include measures that will be used to prevent the spread of the identified invasive plant during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended.

Development shall proceed in accordance with the approved method statement.

Reason: To ensure appropriate treatment of an invasive plant in accordance with the Wildlife and Countryside Act and the NPPF.

09 Archeology

Recording of a heritage asset through a programme of historic building recording

A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

10 Waste

There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the commercial premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised

persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Reason: To ensure a satisfactory means of waste storage and disposal at the premises

11 Ecology

The development shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Impact Assessment carried out by Naturally Wild as received by the Local Planning Authority 1 July 2021.

Reason: To ensure that the development does not have an adverse impact on protected species and wildlife and in accordance with the National Planning Policy Framework and Local Plan Policy ENV5

12 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within local plan policies SD8 and ENV7

13 Construction Hours

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

Reason: In the interests of the amenity of adjoining residents

**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.

Informative: Northern Gas

The developer is advised to contact Northern Gas Networks prior to any construction works as there may be apparatus in the vicinity of the development

Informative: Signing Up for Environment Agency Flood Warnings

The applicant is advised that the Environment Agency offer additional flood risk support and advice. The applicant/occupants should phone Floodline on 0345 988 1188 to register for flood warnings/alerts, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides alerts and warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. This property is covered by the Lower River Tees Flood Alert and also the River Tees at Yarm Flood Warning.

There is also an Operational Message which the applicant/occupants should sign up to by contacting [engagement\\_northeast@environment-agency.gov.uk](mailto:engagement_northeast@environment-agency.gov.uk) which specifically gives residents of Yarm information on the closure and opening of the flood defence gates.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

#### Informative: Asbestos

All works requiring the removal of asbestos shall be carried out in full accordance with HSE Approved Code of Practise

### **BACKGROUND**

1. In October 2018, planning approval was given for the change of use of a mixed use former game butcher (A1)/residential dwelling (C3) into sole domestic use (C3 only) (ref; 18/1983/COU)
2. At present there is currently a pending application for listed building consent to facilitate a change of use of ground floor from residential (ref; 21/0651/LBC), this is also before Members for determination.

### **SITE AND SURROUNDINGS**

3. The application site hereby referred to as the Site, is a grade two 3 storey high street frontage mixed residential and commercial unit with associated outbuildings within the Yarm Conservation Area. The Site benefits from a large rear amenity space.
4. The Site is within flood zone 3 as identified by the Environment Agency Flood Maps. To the front on the High Street is extensive areas of public car parking.

### **PROPOSAL**

5. Planning permission is being sought 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. Conversion of rear outbuilding to residential annexe to include first floor elevated terrace/balcony.
6. Revised plans were received during the course of the planning process which sought the substantial reduction of the proposed terrace to the annex and replacement with a balcony. Further revised plans were received which omitted the proposed works, inclusive a personal access to the existing side/ rear boundary walls.

### **CONSULTATIONS**

7. The following Consultations were notified and any comments received are set out below (in summary):-
8. Tees Archaeology - I have no further comments to add to those made on 07 Apr 2021 'a historic building survey should be carried out prior to any alterations, and this can be secured by a condition upon the development'.
9. Northern Gas Networks - no objections to these proposals
10. Environmental Health Unit - I note that the applicant has advised that there will be no external plant associated with the development and that and odours produced from the home brewing would be retained within the property and not impact upon other properties in the area.

I also note from the final ecological impact assessment that there is invasive plant on the land, the condition below should also be attached to the application to control this:

11. 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?

12. Highways Transport & Design Manager - The Highways Transport and Design Manager requests some additional information regarding proposed works to the southern boundary wall, due to the proximity of mature trees.

Highways Comments

The property is within Yarm High Street, close to public car parks and public transport links, therefore no highway objections are raised. It should be conditioned that the annex remains ancillary to the main dwelling and is not used as a separate dwelling.

Landscape & Visual Comments

The applicant proposes to make good the dilapidated boundary wall on the southern site boundary. There are mature trees on the adjacent site close to the wall which may be affected by the repairs to the wall, for example if new foundations are necessary. Further information is required regarding the proposed works to the wall, and an arboricultural impact assessment may be necessary. There are no objections to raising the height of the wall to 1.8m.

13. Northumbrian Water Limited - I can advise that the proposed brewery may require a trade effluent application for the disposal of wastewater to the sewerage network. We recommend that the applicant contact Northumbrian Water to discuss this matter further.

**PUBLICITY**

14. Neighbours were notified by letter, press advert and site notice. A total of 7 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. The full contents of the letters can be viewed on the public access.

15. 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, Mrs M Lee 14 Low Church Wynd Yarm.,
7. Drs Jason Easby And Dr Anita Butts 127 High Street Yarm

16. 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 property to 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**

17. 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 Stockton on Tees Borough Council Local Plan 2019.
18. Section 143 of the Localism Act came into force on the 15 January 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 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**

19. 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.
20. 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, 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; 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.

Para 81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is



particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Para 86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 168. Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote,

Para 189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value<sup>66</sup>. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Para 194. 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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para 195. 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.

Para 199. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

### **Local Planning Policy**

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

#### Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

### Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

7. Proposals for all domestic extensions will be supported where they are in keeping with the property and the street scene in terms of style, proportion and materials, and avoid significant loss of privacy and amenity for the residents of neighbouring properties.

### Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

3. Conserve and enhance the historic environment through a variety of methods including:

a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.

d. Supporting proposals which positively respond to and enhance heritage assets.

### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and

h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

### Economic Growth Policy 2 (EG2) - Managing Centres

#### Maintaining Vitality & Viability

1. The Council will seek to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy, as defined in Policy SD4 and represented on the Policies Map. Proposals for the

change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:

- a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
- b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
- c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
- d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.

2. In addition to the above, within town, district and local centres the Council will support proposals for food and drink (Use Classes A3, A4 and A5) and other evening economy uses providing the activities in the area do not result in a harmful over-concentration of that use, either as a proportion of the centre overall or as a cluster within the centre.

### EG3 – Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre; then,
- c. Sites within the ground floor shopping frontages of the District Centres; then,
- d. Sites within the boundaries of the District Centres; then,
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
- f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
- g. Sites within the Local Centres; and finally,
- h. Sustainable out-of-centre locations within the limits to development.

### Policy ENV4 - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and
- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

### Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of

biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

#### Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
6. The following are designated heritage assets:
  - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
  - d. Listed Buildings
9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.

#### **MATERIAL PLANNING CONSIDERATIONS**

22. The main considerations of the application are the principle of the development, the effect of the works on the character and appearance of the area, the impact on heritage assets, the impacts on any neighbouring properties, any highway implications, flood risk and ecological implications.

##### Principle of development

23. The application proposes an extension to an existing retail unit and include alterations to existing dwelling and outbuildings to create ancillary residential accommodation. The proposed conversion of rear outbuilding to residential annexe to include first floor elevated terrace/balcony to be associated to an existing dwelling, within the limits to development.
24. As set out above the proposed development consists of multiple elements, the principle of those has been considered in turn below;

##### Extension to retail

25. As set out within the background section of this report planning permission was granted for the change of use of the retail space to a dwelling, however this permission has not been implemented and the lawful use of the existing retail unit, although vacant still remains.

26. The objectors have suggested that alternative existing vacant units within Yarm should be considered before permission be granted for the proposed extension of the retail unit. The site is within the defined district centre of Yarm and is not subject to the requirement for a sequential assessment, neither is the site protected residential for the purpose of local plan policy EG3. Therefore there is no policy reason to restrict the proposed extension of an existing retail unit. The principle of the extension of the retail unit is therefore accepted.

#### Alterations to the residential accommodation

27. The application proposes a residential alterations to an existing dwelling situated within the limits to development, such development is therefore considered to be sustainable and in accordance with the general provisions of the local plan subject to all other considerations set out below.

#### Annex

28. The existing building is a two storey outbuilding associated with the host residential property. The building is a standalone building and should the current application be approved and implemented and its use as a residential annexe cease in future, it could not be assimilated into the main dwelling. The proposal would therefore not be in accordance with the thrust of Policy H4 (8). Nevertheless, this is an existing building, used as ancillary accommodation to the host property and is not a new building therefore this policy has limited weight.
29. To enable the property to be used as an independent, separate dwelling planning permission would be required. It is unlikely that the proposal could meet the tests of privacy and amenity for such a development due to the tight relationship with the host dwelling and its amenity space.
30. The proposed layout shows one bedroom and bathroom at first floor with a bathroom and ancillary living space leading onto the proposed balcony. At ground floor there would be a lobby, toilet and garden storage area. Except for the proposed balcony, the proposed annex would not extend the existing built form of the building nor is the internal accommodation considered to be excessive.
31. For the reasons set out above the proposed change of use as a residential annexe associated with the host dwelling is considered acceptable in principle, subject to all other material planning considerations set out in turn.

#### Home Brewery

32. A number of objectors have raised concerns over the proposed reference to the home brewery and have raised concerns over the potential implications should this be used as a commercial operation. The agent and applicant have confirmed that the home brewery is for private domestic use in association with the occupiers of the host dwelling. Subject to a controlling condition requiring the outbuilding to being restricted to ancillary residential use, it is not considered that the principle of the use of the outbuilding for its intended purpose would be contrary to local or national planning policy.
33. The proposed development as a whole is therefore considered to be sustainable and in accordance with the general provisions of the local plan subject to all other considerations set out below;

#### Character and impact on heritage assets

34. Local authorities have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Development decisions should accord with the requirements of Section 16 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.

35. The main heritage considerations of the application are therefore the impacts of the works on the character, appearance and significance of the grade II listed building and any impacts on the Yarm Conservation Area.
36. The NPPF requires proposals to avoid or minimise conflict between conservation of the asset and the proposal. The Historic England Good Practice Advice in Planning: 2 'Managing Significance in Decision-Taking in the Historic Environment' advises that:
  - the significance of the asset is understood;
  - the impact of development on significance is understood;
  - ways to avoid, minimise and mitigate impact are explored;
  - harmful impacts be justified through and balanced; and
  - that negative impacts on aspects of significance are offset by enhancing other aspects of significance
37. The amenity societies were consulted on the accompanying listed building application and at the time of writing no comments had been received.
38. 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 and the impacts on the Yarm Conservation Area with each of the proposed elements of change suitably considered and demonstrated.
39. It is considered that the document 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.
40. Following receipt of the revised plans it is considered that the proposed development would largely respect the character, form and function of the existing site. Consideration has also been given to ensuring that the outbuildings in particular will be repurposed, and their long-term retention secured. It is therefore considered that it would preserve the character of the Yarm Conservation Area.
41. Full consideration has been given to the schedule of works proposed as part of the listed building consent application. The proposals are considered to be acceptable in respects of the impacts on the listed building, its historic character, significance and setting.
42. Tees Archaeology comments are noted and it is advised that the recommended conditions be attached should permission be granted. The proposal is considered to accord with policies SD5 and HE2 in these respects as well as the NPPF.
43. The external alterations to the host building are minimal with the changes mainly being restricted to fenestration changes, of which as considered within the listed building application, are deemed to be acceptable. The requirements of the adopted Shop Front Design and Advertisement SPD are noted. The existing shop front would be retained, with the existing bay window serving the extended retail unit and are broadly considered to comply with the guidance contained within paragraphs 5.9-5.22.

44. The main changes would be the alterations proposed to the two-storey outbuilding. There are multiple views onto the site from residential properties and public vantage points. Whilst the presence of a balcony will undoubtedly give the outbuilding a more domestic appearance, in the wider context of the area, it is not considered that this would be so harmful as to refuse planning permission on this basis.
45. The Councils Senior Urban Designer raised concern regarding the potential impact of the proposed works to the boundary wall in relation to the adjacent trees. Whilst the agent had previously confirmed that proposal to increase the height of the existing boundary walls from 1.4m to 1.8m with reclaimed matching brickwork along the southern boundary and close boarded timber panel increasing its height from 1.2m to 1.8m to match the adjacent dwellings to the existing rear wall would not require new foundations. To which the Council on the basis that there would be no dig the Council has confirmed that no further controls would have been required. However, subsequent to this the proposed works to the boundary wall have been removed from the application proposal.
46. The impact on the character of an area is not something which is purely about the visual appearance, it is also about the nature of development and how that creates a sense of place. The site has been a mixed-use site for a significant period with the mix of commercial and residential being clear through the integration of the outbuildings, formally used in association with the former butchers and the mix of residential amenity space along with the internal arrangement of the dwelling.
47. The proposed development would largely reflect the existing mix of commercial and residential.
48. The proposed development is therefore considered to comply with the aims of local plan policies SD5, SD8 and HE2.

#### Amenity

49. As set out above the proposed development previously incorporated a substantial terrace of the rear elevation of the proposed annex. During the course of the application revised plans have been received and consulted on for a smaller balcony. The proposed projection is approximately 2.4m a reduction of approximately 5.25m. Furthermore, the proposed balcony is to be screened from those residential properties to the north by an incorporated brick screen, which would sit just under the eaves of the host building at a height of approximately 4.3m.
50. The Householder SPD (3.6) sets out that balconies will not normally be considered to be acceptable if they result in significant overlooking. Due to the orientation and separation distance, there are no direct windows or amenity spaces which would be overlooked by the proposed balcony it is not considered that the proposed balcony would have an adverse impact on the amenity of the occupiers of the dwellings to the north. To the west the proposed balcony would be in excess of 40 m from the side elevation of the closest residential dwelling. To the South is an area of land which has a number of mature trees along with vegetation to the west of the car park associated with the existing flats. This area does not appear to be used as amenity space. The proposed balconies would overlook the applicants own amenity space. However as set out in the above sections of this report the annex is to be continued to be used as ancillary accommodation in association with the host dwelling and therefore there is no loss of privacy to the host dwelling.
51. Objectors have raised concerns that previous balconies have been rejected in Yarm. Members will be aware that each site has to be considered on its own merits and in this case, it is not considered, on balance due to the orientation and mitigation, that the proposed balcony would result in a loss of or perceived loss of privacy as to sustain a reason for refusal.



52. It is noted that the reference to events within the original submission has raised concerns relating to commercial activities. Further concerns were raised following the applicant family party being had at the site. The agent has confirmed that the term 'events' was misleading and seek to emphasise that activities to the rear of the site are wholly domestic in nature. They have confirmed that the applicant would welcome conditions to define the proposals as such.
53. Concerns have also been raised with regards to the home brewery. The agent has confirmed that it is intended to be a small-scale hobby brewery producing small volumes for consumption by family and friends. Brewing would be occasional, undertaken every couple of months and would be of such a small scale that no flues, fans or kit of any size would be required. Brewing would be confined to a small number of receptacles in the same way many people brew in their own homes and any odours would be retained within the outbuilding. Consequently, the EHU have retracted their comments.
54. Concerns have also been raised in relation to the creation of the parking area and the potential for noise and disturbance and impact of installed lighting and car head lights. The site already benefits from vehicle access and the creation of a parking area within the amenity space of an existing property would not require the benefit of planning permission.
55. With respect of the proposed extension of the existing retail provision, the extant retail use of the premise is a historic situation with no planning controls in place in respect of its use or hours of operation. However, due to the expansion of the domestic use of the wider site consideration needs to be given to the current and future occupiers of both the host dwelling and the adjacent occupiers. Consequently, it is considered that controlling conditions in respect of use, opening hours and deliveries could be applied should permission be granted.
56. A condition is also recommended in relation to commercial bin storage.
57. Subject to the recommended controlling conditions it is considered that the proposed development would not result in a significant adverse impact on the occupiers of the surrounding residential properties as to sustain a reason for refusal.

#### Flood Risk

58. Whilst no additional floor space is being proposed the proposed annex would be changing to a more vulnerable use in accordance with the NPPG. A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. A revised floor risk report has been requested to satisfy the LPA that future users of the development will not be placed in danger from flood hazards throughout its lifetime. The Environment Agency's comments had not been received at the time of writing, any comments received will be provided with an update at Planning Committee.

#### Highway implications;

59. Vehicular access would be from High Street via the existing gates and alley adjacent to the main dwelling. The alley has restricted width and turning which is problematic as it results in vehicles reversing out onto the main road which is an ongoing concern. The proposals include access the rear garden area so that vehicles can park, turn and leave site in a forward-facing direction.
60. The proposed development has been considered by the Highways, Transport and Design Manager who has raised no objection to the proposed development given that the site is within Yarm High Street, close to public car parks and public transport links, therefore no highway objections are raised.
61. Following concerns raised regarding the originally proposed rear gates this element has been removed from the proposal.

### Ecology

62. The application has been submitted with an ecological appraisal, prepared by a suitably qualified ecologist. The appraisal concludes that overall the site is of low ecological value, however a number of mitigations and enhancements measures have been recommended. Subject to the recommended condition requiring the works to be carried out in accordance with these recommendations it is not considered that the proposed development would have a harmful impact on any protected species and their habitats.

### Other matters:

63. Conditions in respect of external materials have been applied to the associated listed building application and it is not considered necessary to reapply these to the full application.

### Ownership

64. A number of objectors have raised concerns over the ownership of the wall to the western boundary of the site and question whether it is with Network Rails Ownership. The applicant has signed Certificate A on the submitted application form and no evidence has been submitted to the contrary. However, as set out above any works associated with the boundary wall have been removed from the proposal.

### **CONCLUSION**

65. 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**

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder

SPD7 - Shop Front and Advertisement Design Guide