

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**19 September 2007**

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

**07/1962/REV**

**Former Campbells Tyre Depot, 5 High Street, Yarm  
Revised application for demoliton of existing garage buildings and erection of 3 storey  
building comprising cafe/bistro on ground floor with 3 no. apartments above and  
associated car parking.**

**Expiry Date 22 August 2007**

### **SUMMARY**

Planning permission is sought for the demolition of the existing garage buildings and the erection of a three-storey building providing a cafe bistro at ground floor with 3no. residential apartments above and ancillary parking.

A total of 13 letters of objection have been received. Objections mainly relate to access and parking implications, impact on the surrounding residential properties and their amenity and privacy, antisocial behaviour, the scale of the development and its impact on the surrounding area.

It is considered that the proposed mixed use development, although located outside of the defined Yarm District Centre is located within close proximity, would result in the redevelopment of a brownfield site which hosts a non conforming use for the nature and appearance of the surrounding area whilst would not unduly compete with the vitality and viability of the District Centre and its associated role. It is considered that the site is relatively constrained whilst the building would be within close proximity to surrounding residential properties. As such, it is considered that the opening hours of the cafe / bistro use need to be controlled and the precise details of the elevations facing Bentley Wynd and would the precise materials and detailing of the building itself in order to ensure it would not have a detrimental impact on the character of the conservation area or adversely affect the setting of the adjacent listed building. It is further considered that there is adequate parking and servicing for the proposed development.

It is therefore considered that the site accords with the general principles of Policies GP1, HO3, HO11, EN24, EN28 and S8 of the Stockton on Tees Local Plan.

### **RECOMMENDATION**

**Planning application 07/1962/REV be Approved subject to potential flooding issues being resolved and subject to conditions relating to the following;**

***Approved plans  
Levels  
Commercial element limited to A3 use only,  
Details of cycle stores,  
Scheme of Hard Landscaping,  
Parking control of the proposed lay by***

***Servicing to the cafe / Bistro use being limited to off peak hours and away from hours in early morning or late at night***

***Cafe / Bistro premises being restricted from being open to members of the public beyond 8.00pm. Thereby being to be vacated by all visiting members of the public by 8.00pm.***

***Parking layout and marking scheme including management scheme for control over parking area***

***Scheme of design details including all external materials, window and door materials and colours, rainwater goods and other externally viable details.***

***No amplified music within the commercial premises unless specifically agreed in writing with the Local Planning Authority.***

***Parking and service lay by being brought into use prior to the development being occupied.***

***Retention of site boundary walls to the South and West boundaries unless other wise agreed in writing with the local Planning Authority***

***Obscure glazing scheme to be submitted detailing specifically windows within northern elevation.***

## **INFORMATIVE**

***It is considered that the proposed mixed use development, although located outside of the defined Yarm District Centre is located within close proximity, would result in the redevelopment of a brownfield site which hosts a non conforming use for the nature and appearance of the surrounding area whilst would not unduly compete with the vitality and viability of the District Centre and its associated role. It is considered that the site is relatively constrained whilst the building would be within close proximity to surrounding residential properties. As such, it is considered that the opening hours of the cafe / bistro use need to be controlled and the precise details of the elevations facing Bentley Wynd and would the precise materials and detailing of the building itself in order to ensure it would not have a detrimental impact on the character of the conservation area or adversely affect the setting of the adjacent listed building. It is further considered that there is adequate parking and servicing for the proposed development.***

***It is therefore considered that the site accords with the general principles of Policies GP1, HO3, HO11, EN24, EN28 and S8 of the Stockton on Tees Local Plan and that there is no material consideration which suggests that the application should be determined otherwise.***

## **BACKGROUND**

Planning History of the site, which is relevant to this application, is as follows: -

1. Application ref. 06/3255/CON - Conservation Area consent approved for the demolition of the garage buildings, approved on the 15th January 2007.
2. Application ref. 06/3256/FUL - Application submitted for the erection of a 3-storey block containing retail space with ancillary offices and associated car parking. Application withdrawn on the 4th April 2007.

## **PROPOSAL**

3. Planning permission is sought for the demolition of the existing garage buildings and the erection of a three-storey building providing a cafe bistro at ground floor with 3no.

residential apartments above and ancillary parking. The cafe includes a function room, office, staff room and toilets at first floor. The supporting statement advises permission is sought for the facility to be open until 10.00pm.

4. The proposal has been submitted with a Flood Risk Assessment and an Archaeological Survey.

## **CONSULTATIONS**

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

### The Environment Agency

5. Object because the Flood Risk assessment does not adequately consider the risk of flooding, specifically with regard to safe access and egress from the site. Additional information is required. A condition is also recommended relating to the finished ground level height, which should be 600mm above the existing ground level of 7.8m above Ordnance Datum.

### British Waterways

6. No impact on the waterway

### Cleveland Archaeologist Section

7. No objection to the demolition subject to being undertaken under special circumstances and specific procedures.

### Councillors

8. Councillor Sherris -  
A well designed building that should complement the High St. My concerns are with the blank appearance of the side elevation that is visible from The Spital roundabout on entering Yarm. At the moment the wall would generally be hidden by the trees/planting etc but trees are not a permanent feature and something needs doing to soften the visual look of that wall.  
The applicant has stated that delivery will be by small transit type vehicles. This is imperative that no large HGV vehicles are allowed to use Bentley Wynd and then continue round West ST.  
Also the public concerns that this could one day be a small time replacement for the Tall Trees need to be noted.
9. With regard to the comments submitted by Env Health SBC, I would support their report on the fact that if this were allowed to open beyond that of most commercial premises 6pm. 8pm at the latest, this would in fact introduce a pub element into that residential area of the High St which would be detrimental to the surrounding neighbours in Bentley Wynd, High St and Lord Nelson Yard.

### Yarm Town Council

10. No Objection although is it possible for the developer to improve the visual amenity of the south facing gable end which will be clearly visible to pedestrians and traffic entering the town from the south.

### Urban Design - Engineers

11. I refer to drawing numbers JM/46290/SPA and JM/46290/P01 that have been submitted since previous highway comments were made on the memo dated 10/08/2007.

12. Drawing number JM/46290/SPA illustrates the swept path analysis of a service vehicle entering Bentley Wynd to access the site. The analysis shows that a service vehicle turning left into Bentley Wynd from the High Street will project over the opposite carriageway when making the manoeuvre. Subsequently the junction will need to be clear to enable the vehicle to make this manoeuvre in one movement. This raises the concern that a vehicle attempting the manoeuvre will obstruct traffic travelling northbound on the High Street as it waits for the junction to clear to allow the manoeuvre. It is therefore considered necessary that the delivery arrangements are restricted to off peak hours to minimise the impact of the development on traffic flow on Yarm High Street.
13. The constrained nature of the site does not allow service vehicles to turn within the site. Vehicles must not reverse onto Bentley Wynd and therefore it is acknowledged that the preferable option is for vehicles to reverse into the site so they can exit in a forward gear. Again however this manoeuvre requires the vehicle to utilise the opposite carriageway and this further reinforces the requirement that all deliveries must occur outside of peak hours. Furthermore, service vehicles reversing into the site will require traffic management arrangements to be in place to ensure the reversing area is kept clear of pedestrians and the vehicle can reverse safely.
14. In addition to the above comments, the following previous highway comments still apply in that the access to the car park needs to be a minimum of 4.1metres wide and details of bin storage and collections are required. Details of how parking will be controlled in the proposed service lay-by are required. Also a condition should be implemented restricting deliveries to off-peak periods.

#### Environmental Health Unit

15. Advise conditions are required in connection with noise disturbance from entertainment, access and agree, between living accommodation, adjacent road traffic and odour nuisance. Furthermore it is advised that the opening hours of the premises should tie in with other commercial premises at this end of the High Street and we would look for a closing time of 6.00pm (maximum 8.00pm). There are no other pubs on the High Street beyond Mill Wynd and the area is far more residential than further up the High Street. I therefore have no objection to a cafe bistro serving the daytime trade but opening after 6.00pm would introduce another pub on the High Street where there have previously been none.

#### Northern Gas Networks

16. No Objections

#### NEDL

17. No Objections

#### Urban Design - Landscape

Summarised:

18. We have no objection to the application subject to details of the proposed hard and soft landscaping and boundary treatments are required.  
The adjacent mature Ash trees to the south of the development are covered by a Tree Preservation Order and must be protected during construction.  
The building foundations should take account of the presence of these trees. And as these trees are covered by a Tree preservation order no unauthorised pruning of overhanging branches is permitted.

#### **PUBLICITY**

Neighbours were notified and comments received are below (if applicable): -

A total of 13 letters of objection have been received from the following addresses: -  
2a, 4, 11, 15, 17, 27 Bentley Wynd, 26 Hartburn Lane, 24 St. Nicholas Gardens, 8 West Street, 15  
Mayes Walk, 77 The Slayde.

Objections are summarised as follows: -

- Unacceptable extension of the retail zone of Yarm, contrary to policies AH9, SH10 of the Local plan and Policies S8 and S9 of Alteration No. 1, being outside of the town centre away from the retail area.
- It is not considered to be an essential need as there are already ample provision of such uses.
- The use is not compatible with the surrounding residential area.
- The proposal will cause noise disturbance, anti social behaviour such as littering, vandalism, urinating in public places,
- Will affect privacy and light of the surrounding residential properties,
- Former business was never open on a night or weekends whilst would have been less disturbance to residents,
- No safe access for deliveries or waste collection therefore being a road safety hazard,
- Lack of parking in an area where significant parking problems already occur and limited vehicle manoeuvrability space,
- Increase in traffic movements in the area,
- Adversely affect sightlines onto the High Street,
- Poor customer access,
- Will dominate surrounding properties including adjacent listed buildings, being of a size which is out of character with the area,
- Would not add to the intrinsic character of the high Street, dominating approach to High Street and Conservation Area,
- This proposal provides a facility for approximately 100 customers/hour based on the number of seats and tables shown.

## **PLANNING POLICY**

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

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 Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

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

### ***Policy GP1***

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;

- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

**Policy HO11**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

**SITE AND SURROUNDINGS**

- 19. The site falls to the southern end of Yarm High Street which is an area characterised by terraces of two and three storey historic commercial and residential properties bordering each side of the High street and the associated market place parking areas.
- 20. The site has a listed 3 storey residential property immediately to the rear with its associated garden area to the side, the High Street to the front and Bentley Wynd to the remaining side (North). Beyond Bentley Wynd lies a vacant plot adjacent to the gable end of the last property within the High street. This vacant plot has been granted planning approval for the development of a residential development scheme. The trenches for the foundations for this scheme have been dug although no more progression has been made on the site over several months.
- 21. The sites former use was a commercial garage which had a garage building to the rear of the site and a concrete hard standing to the remainder.

**MATERIAL PLANNING CONSIDERATIONS**

- 22. The site lies outside of the Yarm Centre boundary as defined by adopted draft Alteration No.1 of the Local Plan and within the defined Yarm Conservation Area, being adjacent to a Listed Building and residential properties. As such, the main considerations in determining this application relate to the impact on the conservation area, the adjacent listed building and residential properties and other highway related matters. These are considered as follows: -

**Principle of mixed-use development**

- 23. The proposed provision of residential apartments is considered to accord with the general guidance of Supplementary Planning Guidance Note no. 4 and Policies GP1, HO3 and HO11 of the Local Plan, being the redevelopment of a brownfield site, within the defined limits of development, within close proximity to a wide range of services and provisions. There is a particularly limited amount of amenity space being provided on site which is considered to be reflective of the built up, dense layout of the conservation area and as such, in view of the limited numbers being proposed is considered to be appropriate, preventing an uncharacteristic addition or provision of amenity space within the site.
- 24. The cafe / Bistro is a type of use identified as contributing to the vitality and viability of town centres whilst being a use which should be directed to the identified retail centres on the

basis of the criteria such as protecting residential amenity. This proposal relates to an out of centre location, although lies within close proximity to the edge of the defined centre. Paragraph 33 of the supporting text to Policy S7 of Alteration No.1 indicates that Yarm has a niche market with regard to evening entertainment and its associated contribution to the local economy, although advises that whilst encouraged conservation of the built environment is the overriding principle. This document indicates that Yarm's ground floor units were shifting away from retailing and in order to protect the vitality and viability of the retailing within the centre, the policy requires 40% of frontages to be in A1 (retailing) use. This proposal relates to an A3 use and therefore, if located within the Defined Yarm District centre would be contrary to this policy of restraint.

25. Where a proposal of this nature is to be located outside of the defined centre, the policy requires strong justification to be provided and only where there is a strong argument will permission be granted. In this situation, the application site is already in commercial use as a tyre-fitting centre. This is a more historic use and one, which is no longer specifically appropriate for its location in view of the surrounding residential area and the importance of the character and appearance of the High Street and associated Yarm Conservation Area.
26. The proposed use is identified within the Local Plan Policies as being one, which is complementary to a retail centre whilst also, argues that further non-retail units would not be suitable. Were this scheme to be approved, then it would remove a non conforming use from the edge of the residential and commercial area of Yarm High Street, replace it with a traditionally designed building, prevent a proposal to further dilute retailing within the centre whilst support the diversity of the retail centre. In view of there being no parking at the site associated with the cafe / bistro and visitors therefore being required to park within the High Street generally, the use would not specifically draw people from the existing retail centre whilst would be likely to be visited by persons parking within the centre and passing other commercial premises.
27. Although there are existing vacant premises within Yarm District centre, in view of the former use of the site and its existing state and its proximity to the defined District centre, it is considered that the reuse of the site for that proposed would generally accord with Policy to protect retailing within the centre and to retain uses such as this within the retail centre.
28. In view of these matters it is considered that the general principle of the development is accepted, although subject to other considerations as follows;

#### **Impact on Yarm Conservation Area**

29. The site lies on the edge of the Conservation Area, being at a prominent position within the street scene. The proposed development consists of a historically representative designed 3-storey building. The character of the High Street is defined by two and three storey properties of a similar scale and design. As such, it is considered that subject to strict control over materials and design details such as timber windows then the proposal would positively enhance the character and appearance of the conservation area, thereby according with the requirements of Policy EN24 of the Stockton on Tees Local Plan.

#### **Impact on the setting of the adjacent Listed Building**

30. The adjoining listed building in Bentley Wynd is a large 3 storey residential property, which has main elevations facing north south and side elevations facing the development site. This listed building is not directly visually linked to the High Street, instead being a large residential property with extensive grounds to the south although set off the High Street. As the proposed development is to the side of the listed building it would ensure the listed building retains its setting whilst would result in it being partially screened from the High Street. The listed building is a large 3-storey property and the proposed three-storey property is not considered to unduly affect the listed building in terms of its scale. Subject to

the appropriate use of materials it is considered the proposed development therefore accords with Policy EN28 of the Stockton on Tees Local Plan.

### **Impact on privacy and amenity of surrounding properties**

31. The rear elevation of the proposed building is set in excess of 12m away from the side elevation of the adjoining listed building whilst has a limited number of windows within it. There is an existing screen wall forming the boundary between these two sites and it is considered that the proposed development and its associated uses would not unduly compromise the privacy and amenity of this property.
32. The site immediately to the north of Bentley Wynd has approval for a residential development which would side the highway and which would have habitable room windows within its elevations adjacent to the highway. The proposed development will have its side elevation set approximately 11 metres away from the side elevation of this previous approval and although this would be an active frontage, it incorporates the access to the dry store, the access to two of the three apartments and the windows within the bar area of the cafe with the main cafe accesses being directly onto the High Street. In view of these factors and there being a public highway and associated pavements in between the two uses, it is considered that the proposed development would not unduly impact on the privacy and amenity of the future residents of the opposing dwellings. However, it is considered that in order to achieve adequate levels of privacy that the glazing within the side elevation of the bar should be obscured in some way and this has been conditioned accordingly.

### **Highway Issues**

33. Several objections have been raised in connection with existing traffic and parking related problems commenting on the inadequacies of the access into the site, the lack of parking being provided and the existing inadequacies of parking within Yarm generally and specifically within the locality of this site. The proposed cafe / bistro use should be served by parking within the High Street generally for both the staff and customer provision as are the majority of commercial premises within this area. The residential properties are being provided with on site parking, having 2 spaces per apartment as well as 3 no. cycle stores all of which is considered to be adequate for the development.
34. The scheme indicates the swept path analysis of a service vehicle entering Bentley Wynd to access the site. The analysis shows that a service vehicle turning left into Bentley Wynd from the High Street will project over the opposite carriageway when making the manoeuvre. Subsequently the junction will need to be clear to enable the vehicle to make this manoeuvre in one movement. The Head of Technical Services advises that this raises concern that a vehicle attempting the manoeuvre will obstruct traffic travelling northbound on the High Street as it waits for the junction to clear to allow the manoeuvre. It is therefore considered necessary that the delivery arrangements are restricted to off peak hours to minimise the impact of the development on traffic flow on Yarm High Street. The constrained nature of the site does not allow service vehicles to turn within the site. Vehicles must not reverse onto Bentley Wynd and therefore it is acknowledged that the preferable option is for vehicles to reverse into the site so they can exit in a forward gear. Again however this manoeuvre requires the vehicle to utilise the opposite carriageway and this further reinforces the requirement that all deliveries must occur outside of peak hours. Furthermore, service vehicles reversing into the site will require traffic management arrangements to be in place to ensure the reversing area is kept clear of pedestrians and the vehicle can reverse safely.



## **Other Matters**

35. The application has been supported with a flood risk statement and the Environment Agencies initial response was to object based on inadequacies of the assessment. However, additional information has been submitted and is currently being considered by the Environment Agency.
36. The Councils Environmental Health Officer considers there should be conditions imposed in respect to noise disturbance from Entertainment, access and egress, between living accommodation, from road traffic and for odour nuisance. It is considered that the transmission of noise between living accommodation and from the adjoining highways would be adequately controlled by Building Control Legislation and as such do not require conditions. Noise from access and egress is intended to be controlled via a condition limiting the hours of opening for the cafe use to 8.00pm. This will allow the surrounding residential properties, which are in close proximity to be able to have adequate levels of amenity after the hours of opening. Odour nuisance should also be dealt with under Building Control Legislation and as such does not require control via planning condition. In view of their being individual units of accommodation within the building and there being residential properties and their associated gardens within very close proximity it is considered that there should be no playing of amplified music unless agreed specifically with the Local Planning Authority.
37. The bin store for the proposed cafe is located internally within the building as are the bin stores for the three residential properties, thereby limiting their impact on the surrounding area and the character of the conservation area.
38. Comment has been made in respect to the lack of interest of the southern gable elevation, which would be visible to pedestrians and motorists entering Yarm centre. However, in view of their being an existing boundary wall and tree cover on the adjoining site, it is considered that this elevation would be partially screened.
39. Archaeological issues have been covered within the approval of the conservation area consent to demolish the existing garage building under application reference 06/3255/CON

## **CONCLUSION**

40. It is considered that the proposed mixed use development, although located outside of the defined Yarm District Centre is located within close proximity, would result in the redevelopment of a brownfield site which hosts a non conforming use for the nature and appearance of the surrounding area whilst would not unduly compete with the vitality and viability of the District Centre and its associated role. It is considered that the site is relatively constrained whilst the building would be within close proximity to surrounding residential properties. As such, it is considered that the opening hours of the cafe / bistro use need to be controlled and the precise details of the elevations facing Bentley Wynd and would the precise materials and detailing of the building itself in order to ensure it would not have a detrimental impact on the character of the conservation area or adversely affect the setting of the adjacent listed building. It is further considered that there is adequate parking and servicing for the proposed development.
41. It is therefore considered that the site accords with the general principles of Policies GP1, HO3, HO11, EN24, EN28 and S8 of the Stockton on Tees Local Plan.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

**Human Rights Implications**

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

**Environmental Implications**

As report

**Financial implications**

None

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor J Earl</b>
<b>Ward Councillor</b>	<b>Councillor Mrs J. Beaumont,</b>
<b>Ward Councillor</b>	<b>Councillor A B L Sherris</b>