

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**1 APRIL 2014**

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

**14/0303/LAF**

**Land to the Rear of Barclays Bank Plc, 76 High Street, Yarm  
Proposed new public long stay car park to provide 38 car parking spaces including  
associated landscaping, lighting and CCTV installation.**

**Expiry Date: 4 April 2014**

**SUMMARY**

Planning permission is sought by the Council for the creation of a long stay car park on land to the rear of the High Street in Yarm which would include ancillary works such as lighting, landscaping and a ticket meter. The site is accessed off Silver Street and is currently made up of two separate plots, one being an informal parking / landscaped area which gives vehicle access to the rear of Barclays Bank and the other being a residential garden. The schemes implementation would require the removal of an existing wall between plots and the removal of several trees.

Residential properties overlook the site to the north, south and west. Vehicle access is via the flood defence wall and the associated flood gate onto Silver Street. The site is currently free from built form apart from a tarmac access road and a gravelled / earth area where cars currently park on an informal basis.

Comments received in respect to the consultation exercise include one letter of objection from a nearby resident raising concern over Silver Street being too narrow, existing traffic movements being problematic and it often being blocked from service vehicles. Other concerns highlighted suggest that the existing accesses onto Silver Street already have poor visibility, that vehicles will be stuck in the car park when the Environment Agency close the flood gates and the loss of privacy that may occur as some users of the proposed development will use Swinburn's Yard for access to the High Street which is private property and not a public right of way.

The Councils Environmental Health Unit has raised no objections to the scheme, suggesting that a condition be imposed relating to the restriction of construction working hours and highlighted that Environmental Health have no powers to take action on noise from a public highway or car park and as such, any loss of amenity to local residents will need to be controlled through the hours of use. It was further highlighted however that there are no such restrictions on similar adjacent private car parks where Statutory Nuisance Legislation could be applied and no complaints have ever been received.

The Head of Technical Services has indicated that the development would provide additional car parking facilities close to Yarm High Street, would achieve an adequate access and would require its operational hours controlling via a Management Plan which could also deal with lighting and signage. It has also been indicated that a flood gate is located at the entrance to the car park which would be closed by Environment Agency Operations when a flood warning is issued and

users of the car park can sign up to receive flood warnings. It is indicated however that vehicles could get locked in when flood warnings are in place. The Head of Technical Services raised no landscape or visual objections noting that the highest quality existing mature trees are to be retained and the requirement to agree full details of the landscaping proposals should be secured by planning condition as should lighting, site surfacing and other such details.

The car park is considered to be a suitable use in principle within this town centre location although it also lies within Yarm Conservation Area and is in close proximity to residential properties and listed buildings. The scheme has been amended following its initial submission to better distance parking spaces from properties fronting onto the northern boundary, allow for greater areas of landscaping to be included, the removal of a CCTV column and the reduction in spaces from 40 to 38.

It is considered that adequate access could be achieved for the car park as although not to normal standards, this is a characteristic of a tight grained conservation area. It is considered that any compromises would not adversely affect highway safety in this instance.

The site will be readily visible from several nearby properties and its use will therefore affect the privacy and amenity of these properties, however, taking into account the sites existing use as an informal car park in part, the long stay nature of parking proposed, the limit on hours of use and lighting and the ability to landscape sections of the site, it is considered that the proposal could be adequately controlled to prevent undue impact on residential properties.

The scheme will result in the amalgamation of two burgage plots and the loss of existing landscaping which would be detrimental to the character of the conservation area, although some tree cover will remain within the site and surrounding area and new landscaping will be achievable as part of the scheme. However, it is considered that the benefits of the new car parking for the vitality of Yarm Centre and to assist with demand would outweigh the harm to the conservation area.

## **RECOMMENDATION**

***That planning application 14/0303/LAF be approved subject to the following conditions and informatives;***

### **01 Approved Plans**

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

<b>Plan Reference Number</b>	<b>Date on Plan</b>
TS10124/0/003 REV P2	21 March 2014
TS10124-0-001	7 February 2014
TS10124-0-002	7 February 2014

*Reason: To define the consent.*

### **02. Hours of Use - Flexible temporary**

*The car park hereby approved shall only be operational as a car park between the hours of 7.30 am and 6.30pm on any given day apart from during its first operational year, taken as a period of 365 days from the first day on which the car park becomes operational (subject to the local planning authority receiving notice in writing from the operator that the car park has become operational, failing which it shall be taken to be a period of 365 days from the date of this permission), when the hours of use will be 7.30 am to 9.00pm on any given day.*

*Reason: In order to maximise the use of the car park and the associated benefits for the vitality of Yarm Centre whilst adequately control the impacts of the car park on the amenity of surrounding residents in accordance with the requirements of the National Planning Policy Framework.*

**03. Car Park Management Plan**

*A scheme for the management of the car park shall be submitted to and approved in writing by the Local Planning Authority prior to the car park hereby approved becoming operational. The scheme shall include but not be restricted to signage, hours for lighting and any car park control procedures including its use for long stay parking. The scheme shall include a complaints procedure in the event of complaints being received from residents in the vicinity of the car park relating to the use of the car park outside of the permitted hours, and mitigation measures in the event that the local planning authority deem that use to be detrimental to the amenity of the neighbours/complainant, including use of a car park barrier system. The scheme shall include details of the barrier type, its automated operation and timescales for its installation if required by the local planning authority. The car park shall be managed in accordance with the agreed scheme for the operational life of the car park and, if installed, the barrier shall be operated in accordance with the agreed scheme thereafter for the operational life of the car park.*

*Reason: In order to ensure the car park adequately provides for its impacts taking into account its location within the Conservation Area, within an area at risk of flooding and being overlooked by residential properties, in accordance with the requirements of the National Planning Policy Framework.*

**04. Surface Materials**

*The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment dated 4/2/2014 and the mitigation measures detailed within section 7.1 and 7.2 of the assessment. The mitigation measures shall be in accordance with the timing / phasing arrangements embodied within the scheme (unless otherwise agreed in writing with the Local Planning Authority) and shall be fully implemented prior to the car park being brought into use.*

*Reason: To prevent flooding and ensure safe access and egress from the site in accordance with the principles of Core Strategy Development Plan CS10 – Environmental Protection and Enhancement.*

**05. Finished ground levels**

*Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of existing and proposed finished ground levels for the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

*Reason: To take into account the position and level of adjacent properties and their susceptibility to any raising of levels within the site in accordance with the requirements of the National Planning Policy Framework.*

**06. Surface Treatment of Car Park**

*Notwithstanding details on the plans hereby approved, all hard surfacing within the site will be in accordance with details which are first submitted to and approved in writing by the Local Planning Authority. The car park shall be constructed in accordance with the approved details and shall be maintained as such thereafter.*

*Reason: In order to ensure suitable hard surfacing treatments for the sites location within Yarm Conservation Area in accordance with the requirements of saved Local Plan Policy EN24 (New Development in Conservation Areas) and Stockton on Tees Core Strategy Development Plan Policy CS3 (Sustainable Living and Climate Change).*

- 07. Landscaping Scheme - (soft landscaping scheme, implementation and maintenance)**  
*Notwithstanding details hereby approved and prior to the commencement of works on site a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details including the species, numbers and locations of planting, timescales for implementation, a long term maintenance schedule and management plan where applicable. The development shall be carried out and maintained in accordance with the approved scheme.*

*Reason: In order to ensure a high quality of development in accordance with saved Stockton on Tees Local Plan Policy EN24 (New Development in Conservation Areas) and Stockton on Tees Core Strategy Development Plan Policy CS3 (Sustainable Living and Climate Change).*

- 08. Tree and landscaping protection**  
*No development hereby approved, including any preparatory works to the ground, shall commence until a scheme for the protection of trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the precise location of protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on site prior to construction works commencing on site and shall be maintained throughout the period of construction.*

*Reason: In order to protect the trees in view of their positive contribution to the visual amenity of the area and to accord with Stockton on Tees Core Strategy Development Plan Policy CS3 'Sustainable living and climate change'.*

- 09. Lighting Scheme**  
*Notwithstanding details on the plans hereby approved, there shall be no lighting erected within the car park unless it is in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail elements including the height of lighting columns, their positions, their style, colour and appearance, the light type, its lux, angle of direction and shielding.*

*Reason: To control lighting and its associated impacts on adjoining residents and on the character and appearance of the conservation area in accordance with the requirements of the National Planning Policy Framework.*

- 10. Hours of operation on site**  
*No construction/building 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: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.*

- 11. Flood Risk**  
*The development hereby approved shall only be carried out in accordance with the submitted Flood Risk Assessment dated 4/2/2014 and specifically the mitigation measures detailed within sections 7.1 and 7.2.*

The mitigation measures shall be fully implemented prior to the car park being brought into use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding and ensure safe access and egress from and to the site in accordance with the guiding principles of the National Planning Policy Framework.

**12. Wall re-building works**

Any rebuilding works required in relation to the wall forming the northern boundary of the site shall be in accordance with details which have first been submitted to and approved by the Local Planning Authority.

Reason: In order to prevent undue impacts on site features in accordance with the requirements of Core Strategy Development Plan Policy CS3(8).

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

The determination of the application has taken into account the National Planning Policy Framework.

**BACKGROUND**

07/2258/FUL

Residential development to form 11 no. 3 bed houses and associated car parking and means of access.

Withdrawn 28th September 2007

08/2829/FUL

Proposed residential development to form 8 No. 3 bed houses and associated car parking and means of access.

Withdrawn 20th October 2008

08/3091/OUT

Outline application for residential development to form 8 No. 3 bed houses.

Refused 15th December 2008

The reasons for refusal were as follows;

*Flood Risk*

*In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate by means of a Flood risk Assessment and Sequential Test that there is no alternative site at no risk or lower risk of flooding and that there will be no increased risk of flooding to the development or elsewhere as a result, and is thereby contrary to the saved Policy EN 32a of the Adopted Stockton on Tees Local Plan and Planning Policy Statement 25 Development and Flood Risk.*

*Impact on residential amenity*

*In the opinion of the Local Planning Authority, the proposed development, by virtue of its close proximity to habitable room windows of nearby residential development and being located at a raised position, would have an unacceptable impact on the privacy of neighbouring residential development to the site, contrary to the saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan.*

*Lack of available amenity*

*In the opinion of the Local Planning Authority, the proposed development, by virtue of its proximity to the adjoining beer garden, would result in potential noise and disturbance of unacceptable levels to the future occupiers of the development, contrary to the saved Policy HO11 of the Stockton on Tees Local Plan.*

#### **Scale detrimental to character of Conservation Area**

*In the opinion of the Local Planning Authority, by reason of its height and width, the proposed development would dominate the immediate surroundings to the detriment of the character of the Yarm Conservation Area, contrary to saved Policies GP1, HO11 and EN24 of the Stockton on Tees Local Plan.*

#### **Loss of open space in Conservation Area**

*In the opinion of the Local Planning Authority, by virtue of the development resulting in a loss of a characteristic open area within the Yarm Conservation Area, the proposed development is contrary to the saved Policy EN24 of the Stockton on Tees Local Plan.*

### **SITE AND SURROUNDINGS**

1. The site is located within Yarm Conservation Area, set behind properties in the High Street and is accessed off Silver Street. The site measures approximately 0.13ha and is made up of two separate sites, one being a relatively green plot with trees in it and a surfaced roadway leading through it towards parking at the far end and which also gives access to the rear of Barclays Bank. The other is an established and enclosed rear garden. The access off Silver Street is achieved through a gap in the perimeter wall which also forms part of the flood alleviation measures for this part of Yarm and which has a flood gate installed within it.
2. The site lies adjacent to a recent mews development to the north and a beer garden associated with a public house in the High Street to the south with a further mews development beyond the beer garden. Silver Street and the River Tees lie to the North of the site. Beyond these immediate boundaries, there are other residential and commercial properties including several listed buildings.

### **PROPOSAL**

3. Planning permission is sought for the creation of a long stay public car park (38 spaces) on land to the rear of the High Street in Yarm. The scheme would take up two linear burgage plots currently used as private garden and access / parking and this would require the removal of an existing boundary wall and some existing trees.
4. The scheme would result in the laying of hard surfacing, the installation of floodlighting and a pay meter and landscaping works. The scheme has been amended since the initial submission to alter the position of some parking spaces and to remove the CCTV.

### **CONSULTATIONS**

Consultees were notified and comments received are summarised below:-

#### **Councillor Sherris**

Full support to the application.

#### **Parish Council**

Yarm Town Council fully supports the proposal for a long stay car park on the land of Barclays Bank PLC behind Yarm High Street

#### **Head of Technical Services**

The Head of Technical Services has no objection to this development subject to the development being granted with appropriate conditions attached as outlined in this report.

This report has been updated following the submission of a revised layout drawing; Drawing number TS10124/0/003.

### Highways Comments

The development would provide additional car parking facilities close to Yarm High Street. The proposed site currently operates as an informal private car park with the following provision:

12 surfaced car parking spaces;  
20 informal spaces; and  
2 spaces for a residential property.

The private bays serving the residential property would be retained and the additional existing car parking demand would be incorporated within the car park.

The car park would be accessed from Silver Street which currently provides access to a supermarket car park, residential properties and the rear of commercial properties. There are existing waiting restrictions to prevent vehicles parking on Silver Street.

At the entrance to the car park vehicles would be expected to give-way to each other as the access is narrow (approximately 3.7m wide) and signage would be provided to inform visitors of the access arrangement. Silver Street itself narrows in sections (to a minimum of 3.5m wide) but is considered to be adequate for access given the relatively low vehicle flows. The car park would offer long-stay parking and therefore the amount of hourly trips generated by the development should have a negligible impact on Silver Street. Furthermore, the narrow carriageway acts as a traffic calming feature to ensure cars entering and leaving the car park drive cautiously, giving greater priority to pedestrians who also access the car park via Silver Street. Street lighting is provided along Silver Street and would be provided within the car park to ensure the car park is accessible for pedestrians during hours of darkness.

No information has been provided on the operating times of the car park. It is suggested that parking be limited to daytime hours only and parking in the evening be discouraged for the benefit of neighbouring residents. Information regarding the times of operation of the car park would need to be made clear to users of the facility. A Car Park Management Plan detailing hours of operation, hours of lighting and signage must be agreed with the Local Authority prior to the car park opening. The signage requirements would also need to address directional signs to the car park. The requirement for a Car Park Management Plan should be secured by planning condition.

Construction of the car park should be limited to daytime hours only to limit disturbance to neighbouring residents, this requirement should be secured by condition.

Subject to the planning conditions recommended in this report there are no highway objections to this development.

### Landscape & Visual Comments

There are no landscape and visual objections to the principle of the proposed car park development. With regard to the proposed car park layout it is noted that the highest quality existing mature trees, namely 1 No Fagus Sylvatica (Beech) and 1 No Alnus species (Alder) are to be retained with root protection.

The proposal to remove a small tree group is acceptable. These trees are shown in Appendix 1 'Aerial Inset Plan' that supported the application. The trees in question are Ilex aquifolium (Holly), Cupressus species (Cypress), Prunus species (Cherry) and Laburnum species. The trees have been assessed by a qualified arborist and found to be of a low visual quality, listed

as lower retention value trees (Category C) in the relevant BS5837:2012 Trees in relation to design demolition and construction.

The site potentially forms part of a burgage plot. As such, the landscaping, including the car parking layout, has been laid out in a linear design. In terms of soft landscaping the use of instant hedging should be incorporated into the final design. The requirement to agree full details of the landscaping proposals should be secured by planning condition.

With regard to enclosure the existing wall that abuts Carleton Terrace on the northern boundary is noted as being in poor condition; should this wall require re-building details of demolition and re-building would need to be agreed and this should be controlled by planning condition.

Street lighting is proposed and the column and lantern type should match that proposed for Yarm Town Centre environmental improvements and the column height kept to a minimum. The type of street lighting should be controlled by condition.

With regard to the final surfaces of the car park it is anticipated that the material would be a high quality with block paving material used to highlight car parking bays. With regard to the burgage plot the layout takes the opportunity to recreate its linear form by altering the surfacing of the car park along the southern boundary. If possible, the end of the former wall should be picked up with a feature on the boundary of the plot. Details of this could be agreed by controlling conditions.

Signage shall be kept to a minimum and would need to be agreed and controlled by planning condition.

#### Flood Risk Management

A flood gate is located at the entrance to the car park (gate number 30) which would be closed by Environment Agency (EA) Operations when a flood warning is issued.

Residents/users of the car park can sign up to Flood Line to receive the flood warning however once the gate is closed the EA will not open it under any circumstances until the flood warning is no longer in force, which can be many hours or days later. Any cars in the car park would be protected by the flood defences but they would not be able to be removed until the gate is opened again. Warning signs should therefore be installed advising users that vehicles could be locked within the car park if the flood gates are closed and parking is at the persons own risk.

#### Informative: Car Parking and Deliveries during Construction

It should be ensured that during construction any car parking associated with the Contract and any Plant/machinery for the development construction, together with deliveries to the site, do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so to mitigate the effect of the obstruction to the general public.

#### Suggested Planning Conditions by Head of Technical Services

Prior to the installation of any new surface material, details of surface materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to operation of the car park.

Reason: To ensure a satisfactory external appearance and to reserve the rights of the Local Planning Authority with regard to these matters.



A detailed scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority before operation of the car park. Such a scheme shall specify types and species of planting together with means of enclosure. The works shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity and promotion of biodiversity.

Prior to use of the car park, a Car Park Management Plan including details of the hours of operation, hours of lighting, signage and details of the management strategy shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme.

Reason: To ensure effective operations for the car parking and in the interests of residential and visual amenity.

Prior to first use of the car park hereby approved, details of any lighting to be installed will be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme.

Reason: To ensure effective operations for the car parking and in the interests of residential and visual amenity.

No construction/building works shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and 9.00am and 1.00pm on Saturday and no time on Sunday or Bank Holiday working.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

#### Environmental Health Unit

The application will require the following advisory condition.

##### Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

I would also add that Environmental Health have no powers to take action on noise from a public highway or car park. Therefore any loss of amenity to local residents will need to be controlled through the hours of use. However, there are no such restrictions on similar adjacent private car parks where Statutory Nuisance Legislation could be applied and no complaints have ever been received.

#### Tees Archaeology

This area lies in a rear plot within the medieval town of Yarm. Previous archaeological work in similar locations on this side of the High Street indicate that this land is largely made up of post-medieval alluvial deposits and is largely archaeologically sterile. The proposed re-surfacing works are unlikely to have a significant impact on archaeological deposits.

I therefore have no objection to the planning application and have no further comments to make.

#### The Environment Agency

No objections to the proposed development but wishes to provide the following information:

#### Environment Agency Position - Flood Risk

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 4/2/2014 and the mitigation measures detailed within section 7.1 and 7.2 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure safe access and egress from and to the site.

To reduce the risk of flooding to the proposed development and future occupants.

#### **PUBLICITY**

Neighbours were notified and comments received are set out below:-

#### Mr Paul Samworth, 5 Swinburn's Yard Yarm

I object to the proposed development for the following reasons:

Access. Silver Street is too narrow. It passes between 2 halves of Sainsbury's car park and vehicles constantly leave the car parks without looking right having no concern or awareness of cars approaching from the river bank. Silver Street is often partially blocked by vehicles delivering to the Ketton Ox pub. Sainsbury's delivery vehicles block entry and exit from the rear of Barclays Bank as they turn into Sainsbury's. Exit from the private car park behind Swinburn's Yard is blind and it is difficult to see vehicles coming from the rear of Barclays Bank.

Flood defence. The proposed development will be behind the flood barriers. When the Environment Agency close the gates cars will be locked in the car park. If the Environment Agency delay closing the gates because of trapped vehicles this will present a flood risk to residents.

Loss of privacy. Some users of the proposed development will use Swinburn's Yard for access to the High Street. This is private property and not a public right of way.

#### **PLANNING POLICY**

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

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development

plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

***National Planning Policy Framework***

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

For decision-taking this means:

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

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

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

New development within conservation areas will be permitted where:

The siting and design of the proposal does not harm the character or appearance of the conservation area; and

The scale, mass, detailing and materials are appropriate to the character and appearance of the area

***Saved Policy EN25 of the adopted Stockton on Tees Local Plan***

The demolition of buildings and other structures which require consent for demolition within conservation areas will not be permitted unless:

It can be shown that the loss is not detrimental to the character or appearance of the conservation area; or

The structural condition renders it unsafe; or

The structure is beyond reasonable economic repair.

Conditions will normally be imposed to secure the satisfactory redevelopment of the site.

***Saved Policy EN30 of the adopted Stockton on Tees Local Plan***

Development, which affects sites of archaeological interest, will not be permitted unless:

An investigation of the site has been undertaken; and

An assessment has been made of the impact of the development upon the remains; and where appropriate;

Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

***Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel***

The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

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

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

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

**Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement**

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- \_ the risks associated with previous contaminative uses;
- \_ the biodiversity and geological conservation value; and
- \_ the advantages of bringing land back into more beneficial use.

**MATERIAL PLANNING CONSIDERATIONS**

5. The proposed car park is considered to be a town centre use and its location within Yarm centre and its purpose of providing long stay parking is considered to be acceptable in principle. Although Core Strategy Development Plan Policy CS2 advises that the Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres, this is considered to relate more to the larger centres and is in itself largely out of date. Furthermore, the long stay parking in Yarm has recently been removed from the High Street in favour of short stay provision. As such, this proposal represents a shift of long stay provision rather than creation of new.
6. As the site lies adjacent to residential and commercial properties, is within Yarm Conservation Area and is within flood zone 3, the main matters for considering this proposal relate to the proposals impact on the surrounding land uses including residential amenity, the character of the conservation area and flood risk. The site is also in reasonable proximity to several Listed Buildings. These and other relevant matters are considered as follows;

***Residential amenity***

7. The site is formed by two linear plots which run east to west. Two sets of mews properties (Carleton Terrace and Swinburn's Yard) lie to the northern site boundary whilst Brewery House and properties in Brewery Yard lie just beyond the southern site boundary, with the narrow beer garden associated with a High Street pub in-between. No. 7 Blenavon Court abuts the application site with the eastern part of its garden forming part of this application site.
8. Parts of the site are already used for vehicle parking with an access leading to further parking and servicing access associated with Barclays Bank (rear of the property) and also giving vehicular access to 7 Blenavon Court. The site will already experience some vehicle

movements throughout the day although this proposal would formalise and intensify the use of the site giving rise to additional impacts of vehicle movements and ancillary noise such as voices and the opening and closing of vehicle doors.

9. The scheme has been amended on the request of officers to move some of the parking away from the boundary with residential properties and create a landscape strip inbetween. This will allow planting of a hedge and other landscaping to offset some of the impacts of light, noise and visible movement of people and vehicles.
10. Six residential properties (no's 6 – 11 Swinburn's Yard) would have their main front elevations within 1.4m of the application site with the nearest parking space being only 3.4m away. There is a wall separating the properties from the proposed car park although this is of a limited height and views would be achievable of the car park from ground floor habitable rooms. Properties in Brewery Yard are also in close proximity to the car park but are set slightly further away (approx. 8m from the car park boundary) with a pub beer garden intervening. Whilst these nearby properties are within Yarm centre where a reduced degree of amenity would normally be expected, the relationship with the car park is that its use would be readily apparent and these properties should still expect to achieve a certain degree of amenity, particularly within the evening and throughout the night.
11. The operation of the car park for long stay and the short stay being confined to the High Street is beneficial in minimising vehicle trips into and out of the proposed car park and will therefore limit the extent of impacts. Importantly however, the councils Environmental Health officer has advised that they have no powers to take action on noise from a public highway or car park and as such, any loss of amenity to local residents will need to be controlled as part of the planning permission.
12. Although the Councils Environmental Health Unit has advised that there are no restrictions on hours of use of similar private car parks where Statutory Nuisance Legislation could be applied and that no complaints have ever been received, in this instance, properties are in particular close proximity and uncontrolled use of the car park including its lighting, would be certain to have unacceptable impacts on residential amenity. The Head of Technical Services has advised that the car park would be operated by Technical Services, and its operation could be controlled via their own mechanisms. Notwithstanding this, the Local Planning Authority have a duty to adequately control impacts of a scheme to an acceptable level and without limiting conditions, it is impossible to completely satisfy this requirement. It is considered that Technical Services should be the first line of control for the car park operations and that restrictive conditions should only be brought to the fore in instances where other management controls are ineffective or not adhered to, bearing in mind the car park could be managed by others in the future. As such, the restriction of hours of use for the car park would be appropriate and a mechanism to prevent general public access to the car park outside of the hours of use. It would however need to allow unrestricted access for Barclays and 7 Blenavon Court as is the current situation.
13. The proposed floodlighting will have an impact on adjacent residential properties and need only to be operational only during times of the car parks use in order to limit impacts on residents through the evening and night. Controlling this would not impact on any existing lighting associated with Barclays Bank or 7 Blenavon Court. It is therefore considered to be appropriate for the hours of lighting for the car park to respect the hours of allowable use. The recommended condition relating to lighting also requires the precise positioning of columns, light types, shielding etc. to be agreed with the Local Planning Authority which will give adequate control.
14. It is considered that hours of use ranging between 7.30 am and 6.30 pm would be sufficient to cater for the majority of users during the working day whilst providing respite for

residential amenity after this time. Whilst officers are confident a 6.30pm closing time for the car park would reasonably limit the impacts on residents, the impacts of its use beyond this would start to encroach into times when residents may expect a higher level of amenity. The car park could however still provide a valuable use to town centre users beyond this time. As such, in order to maximise the benefit of the car park to the town centre whilst reasonably control the impacts of the car park on residents two conditions are proposed.

15. Firstly, it is proposed to control its hours of use to 6.30pm although allowing a 1 year period whereby it can be used up until 9pm, effectively as a trial basis. If after this period it is clear that its use is not having significant adverse impacts on residents a further permission could be sought to use the car park into these hours for an extended period. The second condition recommended is one which requires the agreement of a car park management plan which will include methods of dealing with out of hours use should this become an issue. It is considered that these two mechanisms will allow adequate control to be retained by planning to protect residents.
16. One resident of Swinburn's Yard to the north has objected to the scheme based on the potential for car park users to try and access the High Street via their private Yard. Whilst noted, the access via Silver Street is the one which is far more prominent and available. Any use of nearby private Yard accesses would be a civil matter.
17. Officers consider that the construction of the car park should be limited to daytime hours only to limit disturbance to neighbouring residents and a condition is recommended to address this.

***Conservation area character***

18. The site is within Yarm Conservation Area where saved Local Plan Policies EN24 and EN25 apply. Policy EN24 permits new development in conservation areas where the siting does not harm the character or appearance of the conservation area and where mass, scale detailing and materials are appropriate whilst EN25 does not support demolition of buildings and structures (which require consent for demolition) unless it can be shown that the loss is not detrimental to the conservation area character or the structural condition renders it unsafe and where demolition is accepted, it suggests conditions are imposed to secure satisfactory re-development.
19. Yarm conservation area is largely characterised by the market place, its layout, and the buildings fronting onto it. The character is however, also defined by other very distinct areas including the river and the rear plots behind the High Street on both sides. The majority of plots to the rear of High Street properties are or were long linear plots with some mews properties and commercial / industrial buildings. The extended linear plots are known as burgage plots and aerial photographs show that although many have been maintained on the western side of the High street (along with their trees and other landscaping), the majority have been lost to development on the other side, with a notable amount of the re-development having had little regard for the linear and open characteristic.
20. This proposal seeks to remove an existing wall between two such plots which would remove two of the last remaining burgage plots from this side of the High Street. As such, the proposal is considered to be detrimental to the character of Yarm Conservation Area. It is further considered that the loss of the wall and trees within the site also have a negative impact on the conservation area.
21. Notwithstanding the above points, the proposal is to surface the site rather than build on it and the openness of the site will be retained, albeit in a different form. The scheme would also provide some linear landscaping in the form of hedgerows running along the plot boundaries and would seek to retain some tree cover. The Head of Technical Services has

also shown surfacing treatments which would differentiate between the two burgage plots which may have some representational benefit.

22. The main perimeter wall to the south would be retained although views would be achieved into the site from the access point.
23. The impact on the character of the conservation area needs to be considered in the context of the benefits that the car park will bring. Parking within Yarm centre has been highlighted as being necessary in the determination of several recently approved planning applications. The provision of parking anywhere within Yarm centre is likely to have some impact on the conservation area and arguably, this site is away from the majority of public view. As such, in this instance, it is considered that the detrimental impacts on Yarm Conservation area are outweighed by the benefits that would be brought by the additional parking provision, subject quality of materials being achieved by condition and a suitable scheme of landscaping. The proposed plan shows a mix of tarmac and brindle blocks for the surfacing although in order to ensure the precise selection of surfacing materials is appropriate for the conservation area, a condition has been recommended which is supported by the Head of Technical Services.
24. The Head of Technical Services has suggested that the street lighting proposed should match that which has recently been erected within Yarm High Street. Whilst noted, the application site is of a completely different character to that of Yarm High Street and should not seek to replicate the formal High Street character but instead better reflect its own secondary secluded character. This can be achieved by condition.

#### ***Highway related Matters***

25. The application site is accessed off Silver Street which links it with the High Street. Silver Street already gives access to residential properties and Sainsbury's car park and service yard as well as other commercial properties and there are already waiting restrictions to prevent vehicles parking along its length. Silver Street narrows in sections along its length whilst users of the car park would need to give-way to each other at the access point into the site due to it already having a restrictive width. A number of these matters as well as existing accesses onto Silver Street having poor visibility have been raised as objection, as has the use of Silver Street by service vehicles which it is advised can block the street. Notwithstanding these matters, the Head of Technical Services considers that the access for the car park would be adequate due to relatively low vehicle flows anticipated although signage would be required to inform of the access arrangement. A condition is recommended accordingly.
26. The Head of Technical Services has advised that the site currently operates as a car park (in part) although the numbers they cite are questioned. Parking is somewhat informal as no spaces are clearly marked out and it currently provides for around 16 spaces although a number of these would be sub-standard to current design size requirements. The private parking serving the existing residential property of 7 Blenavon Court would be retained by this scheme as would access to the private parking associated with Barclays Bank.

#### ***Flood Risk***

27. The site lies within Flood Zone 3 associated with the River Tees which lies approximately 10m to the east on the opposing side of Silver Street. The application site boundary wall and associated flood gate are part of the Yarm alleviation measures which are owned and maintained by the Environment Agency and which were implemented in the late 1990's following the last serious flood event in 1995. The flood gates within Yarm are closed by the Environment Agencies Operations team when a flood warning is issued and their operation in theory prevents flood water from entering the High Street / residential areas. The Head of Technical Services has advised that users of the car park can sign up to

'Flood Line' to receive flood warnings although once the gate is closed the Environment Agency will not open it under any circumstances until the flood warning is no longer in force. This can be many hours or days later which in view of the proposed use, would prevent the removal of vehicles throughout this period. The Head of Technical Services has therefore advised that warning signs should be installed to advise users that vehicles could be locked within the car park if the flood gates are closed and parking is at the persons own risk. The requirement for a car park management plan to address this is recommended.

28. An objection from a resident raised concern over the Environment Agency potentially delaying closing the flood gate to the car park to allow people to remove their vehicles and the potential for this to put their property at risk from flooding. Whilst noted, the operation of the flood gates is the responsibility of the Environment Agency. The Environment Agency raised no objections to the scheme subject to the implementation of the mitigation detailed within the Flood Risk Assessment which relates to the suitable design of drainage to prevent increase of risk to flooding elsewhere, which is intended to be to the Northumbrian Water sewer and which will require an agreed discharge rate to be agreed with them. A condition has been recommended to achieve this.

### ***Archaeology***

29. Tees Archaeology have pointed out that the site lies in a rear plot within the medieval town of Yarm and that previous archaeological work in similar locations on this side of the High Street indicate that land here is largely made up of post-medieval alluvial deposits and is largely archaeologically sterile. They suggest that the proposed re-surfacing works are unlikely to have a significant impact on archaeological deposits and therefore raise no objection. In view of there being no evidence that the works (which are mainly limited to the surface of the site) would be detrimental to archaeology (which itself is unlikely in any event) the scheme is considered to be acceptable and in line with the principles of saved Local Plan Policy EN30 which relates to the preservation and or recording of Archaeological remains where they are likely to exist.

### ***Other Matters***

30. The Councils Environmental Health Unit has requested a condition be imposed on the construction hours of operation for the site and in view of the sites location adjacent to residential properties this is considered to be necessary. A condition is recommended accordingly.
31. The Head of Technical Services raised no landscape and visual objections to the principle of the proposed car park development, advising that the higher quality trees on site will remain and their root areas will be protected. The trees being removed as part of this scheme were considered to be of a low visual quality. A condition has been recommended to agree specific landscape details for the site which has been supported by the Head of Technical Services.
32. The Head of Technical Services has indicated that the existing wall that abuts Carleton Terrace on the northern boundary is in poor condition and has recommended a controlling condition be imposed to address any necessary works to the wall. A condition has been recommended accordingly.
33. The site is located within reasonable proximity to several listed buildings as shown on appendix. Plan 3. These nearby listed building are important within their own right although are considered to be sufficiently spaced from the proposed use to prevent any significant or undue impacts on their setting, taking into account the controls recommended in respect to surface treatments and landscaping and the overall scale of the car park being somewhat limited.



## **CONCLUSION**

34. In view of all of the matters detailed within the report, it is considered that the proposal is a suitable use for the site and subject to appropriate conditions would not have undue detrimental impacts on surrounding uses and privacy or amenity associated with nearby residential properties. It is also considered that adequate access can be achieved and that the proposal will not increase the risk of flooding for the wider area. Whilst the proposal is detrimental to the character and appearance of Yarm Conservation Area, it is considered that the impact of this is outweighed by the benefit of the proposed use to the vitality and operation of Yarm Centre.
35. It is recommended that the application be Approved with Conditions for the reasons specified above.

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

## **WARD AND WARD COUNCILLORS**

Ward Yarm  
Ward Councillors Councillor A B L Sherris, Councillor Mark Chatburn, Councillor Ben Houchen

## **IMPLICATIONS**

### **Financial Implications:**

There are no known financial implications in determining this report.

### **Legal Implications:**

There are no known legal implications in determining this application.

### **Environmental Implications:**

The proposal will have an impact on the overall use and surface treatment of the site and will result in the loss of several trees and a historic wall. These are considered to be generally detrimental to the character of the site and conservation area. The proposed use will intensify the existing informal parking area and result in increased noise and disturbance for adjacent residents. Subject to adequate controlling conditions being in place, it is considered that these detrimental impacts can be minimised to an acceptable level.

### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the comments made by interested parties.

### **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, specifically in respect to the safety of users of the car park which would be addressed through the use of signage (in respect to flood risk measures) and CCTV and floodlighting in respect to general safety. It is considered that the scheme which is overlooked by residential properties, would be lit and would have CCTV monitoring, would not pose any significant risk to users.

### **Background Papers:**

Planning History as Detailed for the site