

DELEGATED

AGENDA NO

PLANNING COMMITTEE

9 JULY 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 and lighting.**

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. 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 the plots and the removal of several trees.

Residential properties overlook the site to the north, south and west. Vehicular 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 three letters of objection which include one from Sainsbury's. Objections raise concerns over Silver Street being too narrow, existing traffic movements being problematic and it often being blocked by service vehicles, the existing accesses onto Silver Street 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. Sainsbury's have commented in support of a car park to serve Yarm centre but have objected over the lack of a management plan, significant impacts of traffic navigating Silver Street if there is no adequate signage, and to get to the car park requires access over an un-adopted highway. The Head of Technical Services considers that the narrow carriageway will reduce traffic speeds, that as the proposal is a long stay car park, traffic increase will be negligible along Silver Street and that signage can be dealt with under a management plan condition.

The Council's Environmental Health Unit has raised no objections to the scheme, suggesting that a condition be imposed relating to the restriction of construction working hours, whilst also advising that they have no powers to take action on noise from a public highway or public 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 that there are no such restrictions on similar adjacent private car parks

where Statutory Nuisance Legislation could be applied and that 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 the Environment Agency when a flood warning is issued and users of the car park can sign up to receive flood warnings. Notwithstanding this, 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 a planning condition as should lighting, site surfacing and other minor 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, to allow for greater areas of landscaping to be included, removed the CCTV column and reduced spaces from 40 to 38.

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 would not have significant undue impacts 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. 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;

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>TS10124/0/003 REV P3</i>	<i>30 May 2014</i>
<i>TS10124-0-001 REV P1</i>	<i>30 May 2014</i>
<i>TS10124-0-002 REV P1</i>	<i>30 May 2014</i>

Reason: To define the consent.

02. *Hours of Use - Flexible temporary*

During its first operational year the car park hereby approved shall only be operational as a car park between the hours of 7.30 am and 9.00pm and thereafter the hours of use shall remain 7.30 am to 9.00pm on any given day unless prior written notice has been issued by

the Local Planning Authority stating that the operational time has been reduced to 7.30 am to 6.30 pm 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. 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.

05. 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).

06. 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).

07. 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'.

08. 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.

09. 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.

10. 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.

11. 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 application site is located within Yarm Conservation Area, set behind properties in the High Street and accessed off Silver Street and is made up of two separate sites. The first is a relatively green plot with trees and a surfaced roadway leading through 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 to a domestic property. 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 lighting, a pay meter and landscaping works. The scheme has been amended since the initial submission to alter the position of some parking spaces, remove the CCTV and provide for the application site boundary to link back to the adopted highway.

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.

Mr Jeffrey Turley, 16 The Crescent, Eaglescliffe, Stockton

There does not appear that any consideration has been made with respect to storm water localised flooding and the possibility of petrol, diesel, and oil spillages being flushed from the car park into the local drains and consequentially into the river.

Mr Latimer, 1A Countisbury Road, Norton

Has submitted comments as being;

Yarm Town Council - Summary of Discussion with Stockton Borough Council 9th April 2014

In terms of the long stay car parks we can confirm that the Emadi car park is due to go to committee on 7th May and although there has been and will be challenges by the adjoining land owner we are confident of our legal position on this application. The Barclays site did raise some issues from Sainsbury's but that has been resolved and we will continue to pursue the lease agreement albeit Barclays are causing some delays while they review their position. Thanks for meeting with us and I hope we can continue to work together to deliver solutions to

the problems that exist for the community in Yarm

Sainsbury's, Yarm High Street

The amended details do not overcome our original objection.

Please accept this e-mail as Sainsbury's formal objection to the above planning application for the proposed long stay car park accessed off Silver Street in Yarm. As you know our car park is also accessed off Silver Street, which is a narrow street that gets heavily congested during busy periods. Sainsbury's wishes to object to the proposed car park on the following grounds:

Congestion and Highway Safety

The width of Silver Street varies along its length, some sections of the road aren't wide enough to allow two vehicles to pass. Vehicles having to give-way to each other, and vehicles entering and exiting our car park, causes congestion on the road during peak times. Sainsbury's is concerned that the increase in traffic potentially generated by the proposed long stay car park could significantly increase congestion on Silver Street, which could also have a detrimental impact on highway safety for motorists and pedestrians.

I appreciate that as a long stay car park, the car park will generate less traffic than a typical short stay car park. However, the planning application contains no details of how the car park will be managed, therefore the level of traffic potentially generated by the car park is unknown at this stage.

The Council commissioned a car park research report for Yarm in 2011, which estimated that 50% of the existing 700 town car parking spaces are used by staff working in Yarm. The Council are due to implement new parking restrictions in Yarm, which will only allow 2 hours parking on the High Street.

This will mean that the existing 350 cars which currently park on the High Street will have to find alternative places to park. It's clear that demand for the proposed 40 space long stay car park will be high and not all long stay users will be accommodated within the proposed car park. We are concerned that up to 350 vehicles could enter Silver Street to search for parking spaces in the proposed long stay car park. As only 40 spaces are proposed then potentially 310 cars will be unable to find a car park space and will have to make a U-turn within the car park or on Silver Street to get back onto the High Street.

This significant increase in vehicles potentially entering Silver Street could have an unacceptable impact on congestion on a road that can already get heavily congested. It's important to note that Silver Street forms a busy pedestrian route along the river. There are limited facilities for pedestrians on Silver Street, therefore any potential increase in traffic and congestion on Silver Street could have a detrimental impact on pedestrian safety.

Congestion caused by the proposed car park could be minimised if the Council provided an electronic sign on the High Street that indicated when the proposed car park was full. This would stop wasted journeys for vehicles entering Silver Street to search for spaces and reduce congestion. Any electronic sign would have to be worded to avoid confusion for our customers who may think the sign relates to Sainsbury's car park. The Council could also consider making the car park available to permit holders only, which would also reduce the likelihood of vehicles entering Silver Street to search for spaces. The full impact of the proposed car park is unknown until the management of the car park has been decided, therefore in our opinion planning permission should not be granted at this stage as the true impact of the proposal is unknown.

I understand that the application site is already used for car parking as a private car park. It's important to note that the proposal for a public car park has the potential to significantly

increase congestion on Silver Street compared to the existing private car park arrangement, even though the increase in parking spaces on the site may not significantly increase.

Impact on Sainsbury's Car Park

If the proposed long stay car park is full then vehicles may abuse the Sainsbury's car park. Vehicles entering Silver Street could be mistaken to think the Sainsbury's car park is the long stay public car park.

This could be addressed by appropriate signage on Silver Street but no details have been included in the planning application, therefore we are unable to comment if the signage is sufficient to stop our car park from being abused.

Access to the proposed car park

As a public facility the proposed car park should be accessed from the public highway. Currently a section of Silver Street (outside our service yard) does not form part of the public highway. I understand there maybe some access rights over this land for land owners but this may not include the use of a public facility. There have been no discussions or agreement with Sainsbury's who own the land regarding access to the long stay car park. It may be necessary to dedicated the land as public highway.

Without this discussion it's not possible to know at this stage if access to the proposed car park is feasible.

It's clear that insufficient information has been included within the planning application to determine the full impact of the proposal, therefore the application should not be determined until the above issues have been resolved.

Sainsbury's appreciates the need for long stay parking provision in Yarm and would welcome a discussion with the Council on the above points to come to an agreement that is suitable for all parties.

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. As with all applications, they must be determined in accordance with the development plan in force unless material planning considerations indicate otherwise which includes the National Planning Policy Framework.
6. 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, however, this is considered to relate more to the larger centres and is in itself largely out of date.
7. The proposed car park is considered to be a town centre use and its location and purpose are therefore considered to be acceptable in principle. 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.
8. 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, 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

9. 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 (dwelling) abuts the application site with the eastern part of its garden forming part of this application site.
10. 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 including that of ancillary noise such as voices and the opening and closing of vehicle doors.

11. 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. 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.
12. 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 proposed car park means that its use would be readily apparent and these properties should still expect to achieve a degree of amenity, particularly within the evening.
13. The operation of the car park as long stay is beneficial in minimising vehicle trips and associated 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 public car park and as such, any loss of amenity to local residents will need to be controlled as part of the planning permission. 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.
14. The Head of Technical Services has advised that they would operate the car park and it would therefore 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.
15. The proposed floodlighting will have an impact on adjacent residential properties and need only to be operational during times of the car parks use, thereby limiting impacts on residents. 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 reflect 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.
16. 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. 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 6.30pm. 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.

17. Firstly, it is proposed to control its hours of use to 9.00pm although allowing the Local Planning Authority to restrict this back to 6.30pm should it be necessary following the first year of operation. 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 to protect residents.
18. 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 route via Silver Street is far more prominent and any use of nearby private yard accesses would be a civil matter.
19. 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

20. 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. Where demolition is accepted, policy suggests conditions are imposed to secure satisfactory re-development.
21. Yarm Conservation Area is largely characterised by the market place, its layout, and the buildings fronting onto it. The character is 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 the High Street, 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 this side, with a notable amount of the re-development having had little regard for the linear and open characteristic.
22. 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.
23. 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.
24. The provision of new 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 and would remain open. 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 to 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, a condition has been recommended.

25. 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. A condition is recommended to address this.

Highway Related Matters

26. The application site is accessed off Silver Street which links it with the High Street. Silver Street already gives access to residential properties, car park and service yard associated with Sainsbury's as well as other commercial properties and there are already waiting restrictions to prevent vehicles parking along its length. Users of the proposed 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.
27. Objection has been raised in respect to existing accesses onto Silver Street having poor visibility and Silver Street already being used 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.
28. Sainsbury's occupy a unit fronting onto the High Street and siding onto Silver Street, having its customer car park to the rear of the store which is served off Silver Street. It is understood that they also own an un-adopted section of Silver Street. Sainsbury's have indicated that they appreciate the need for long stay parking provision in Yarm and would welcome a discussion with the Council on points that they have raised which are on grounds of congestion and highway safety, access and the impact on the operation of their own car park. Sainsbury's have indicated that in places Silver Street is of insufficient width to allow two vehicles to pass, thereby requiring them to give way to one another. They consider there to be congestion during peak times and are concerned the proposed long stay car park could significantly increase congestion on Silver Street, thereby having a detrimental impact on highway safety for motorists and pedestrians. Sainsbury's have highlighted there being no proposed management detailed and that the council commissioned car park research report for Yarm in 2011 estimated that 50% of the existing 700 town car parking spaces are used by staff working in Yarm which will mean that the existing 350 cars which currently park on the High Street will have to find alternative places to park and that the demand for the proposed long stay car park will be high. Sainsbury's are therefore concerned that up to 350 vehicles could enter Silver Street to search for parking spaces in the proposed car park and as only 38 spaces are proposed then potentially 310 cars will be unable to find a car park space and will have to make a U-turn within the car park or on Silver Street to get back onto the High Street, all of which will have an unacceptable impact on congestion on a road that can already get heavily congested and which will in turn impact on pedestrian safety. Sainsbury's consider that this problem could be minimised if the Council provided an electronic sign on the High Street that indicated when the proposed car park was full as this would prevent unnecessary journeys into Silver Street. They have also suggested that the Council could also consider making the car park available to permit holders only, further reducing the likelihood of vehicles entering Silver Street to search for spaces. Sainsbury's consider that the full impact of the

proposed car park is unknown until the management of the car park has been decided and suggest planning permission should not be granted at this stage.

29. The Head of Technical Services considers that as the proposed car park is long stay the amount of hourly trips will have a negligible impact on Silver Street and that the narrow carriageway will actually act as a traffic calming feature to ensure cars entering and leaving the car park. The proposed management condition would deal with matters including signage which the Head of Technical Services has suggested that this should include directional signage to the car park.
30. Sainsbury's consider that the proposed car park has the potential to result in users abusing their own car park when it is full which officers consider could be addressed by appropriate signage.
31. Sainsbury's have further advised that the public car park should be accessed off the public highway and that they currently own a section of Silver Street and that access rights over this section may not extend to the rights of users of the proposed car park. Whilst this matter is noted, it is considered that it does not preclude the reasonable use of the site as a car park and as such is given limited weight in respect to determining this application. Notwithstanding this, any approval of the proposed scheme does not affect civil rights over land, or lack of them.

Flood Risk

32. 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 a serious flood event in 1995. The flood gates within Yarm are closed by the Environment Agency's Operations Team when a flood warning is issued and their operation in theory prevents flood water from entering the High Street and 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.
33. 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 who have 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.
34. A resident has commented on there being no consideration given to storm water localised flooding and the possibility of petrol, diesel, and oil spillages being flushed from the car park into the local drains and consequentially into the river. The flood risk assessment has taken into account the potential for and impacts of flooding and mitigation is part of the flood risk assessment. A condition has been imposed requiring the implementation of the

Flood Risk Assessment and as such, it is considered that adequate regard has been had for these matters.

Archaeology

35. 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 indicates 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

36. The Council's 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 and is recommended accordingly.
37. The Head of Technical Services raised no landscape and visual objections to the principle of the proposed car park, 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 are 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.
38. 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.
39. 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.
40. A resident has submitted comments, indicating them as being the summary of a discussion between Yarm Town Council and Stockton Borough Council. They are a point of comment and do not impact on the suitability or otherwise of the application.

CONCLUSION

41. 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 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.

42. 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:

Although the application is a council led scheme, and the council would meet the costs of providing the car park if it implemented the permission, there are no known financial implications in determining this report.

Legal Implications:

The access to the site off Silver Street is not all within the ownership of the council however this does not affect the suitability of the scheme in planning terms and as such, 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 floodlighting in respect to general safety. It is considered that the scheme which is overlooked by residential properties, would be lit and would not pose any significant risk to users.

Background Papers:

The Town and Country Planning Act 1990.
National Planning Policy Framework
Stockton on Tees Local Plan Adopted Version June 1997
Core Strategy Development Plan Document March 2010
Planning History as Detailed for the site