

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**9 July 2014**

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

**14/0278/FUL**

**Land To Rear Of 661 Yarm Road, Eaglescliffe,  
Formation of a car park including vehicular access to river and associated infrastructure  
and landscaping works.**

**Expiry Date: 8 April 2014**

**SUMMARY**

Planning permission is sought for the development on land to the rear of 661 Yarm Road, Eaglescliffe to create a 40 space car park. The site is currently occupied by a workshop / storage building, and areas of hardstanding and landscaping. The site is located behind an apartment block and the Blue Bell Public House.

The proposal would result in the removal of the existing building on site, the forming of the car park surface and works to the access, re-grading works to the land, retaining features to the northern, eastern and western sides, landscaping works, lighting, CCTV, pay meter and fencing works.

Objections have been raised in respect to the scheme, some of which have led to revised plans being submitted. The main objections relate to considerations that what is shown cannot be achieved on ground due to inaccuracy of plans, that the site development would require use of others land which is not agreed, that the access would be too narrow, that the scheme would result in risk to highway safety, that the vehicular access onto Yarm Road would be problematic, that the access to the wider land should not be allowed and that this will result in the loss of the building and site that is currently used by the Cleveland Sea Scouts and others in respect to storage of canoe's and associated equipment and thereby prevent their access to the river as no alternative exists.

Officers consider the revised plans to accurately represent the situation on site and that what is shown should therefore be physically achievable. The Head of Technical Services has considered the revised plans and considers that although the access is narrow and adjacent to an existing footpath, that the proposal will achieve an acceptable access and egress.

Although the use is immediately adjacent to an apartment block and windows within the rear elevation, the proposal allows for some landscaping and a fence to partly offset the car park from the rear of this building. Notwithstanding this, residential amenity would be affected by the proposed use and as such, hours of use are recommended as being restricted between 7.30 am and 6.30pm so that some respite can be achieved for occupiers of the apartment block. A management plan is conditioned as being required in respect to the overall operation of the car park.

The site is within a conservation area, and partly within a special landscape area, within the green wedge and within view of a listed church and bridge. The proposal will impact on these designations, however, the additional land take of the car park from that of the existing is not significant, the existing building on site will be removed and new landscaping works will take place. In view of these and other matters it is considered that the impacts on these designations would not warrant the refusal of the application.

## **RECOMMENDATION**

That planning application 14/0278/FUL 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>SD-90.01 REV L</i>	<i>20<sup>th</sup> May 2014</i>
<i>SD-90.03 Rev A</i>	<i>20<sup>th</sup> May 2014</i>
<i>SD-90.02 Rev C</i>	<i>20<sup>th</sup> May 2014</i>
<i>SD-90.04 Rev G</i>	<i>20<sup>th</sup> May 2014</i>
<i>JN0621 – Dwg0051</i>	<i>20<sup>th</sup> May 2014</i>
<i>SD-90.00 Rev B</i>	<i>20<sup>th</sup> May 2014</i>

*Reason: To define the consent.*

### **02. Hours of Use**

*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.*

*Reason: In order to limit 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, maintenance vehicle access to the fields to the south of the car park. 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 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 levels for the car park and the finished ground levels for the areas of landscaping adjacent 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 Surface Water Drainage**

*No development hereby approved shall be commenced on site until a scheme of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The car park shall not be brought into use until the approved surface water drainage scheme has been implemented on site.*

*Reason: In order to ensure a satisfactory form of drainage from the site in accordance with the principles of Core Strategy Development Plan Policy CS10.*

**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. Vehicle gate within car park**

*The vehicle gate and access provided along the southern car park boundary as detailed on the approved plans shall be used in relation with the maintenance of the existing surrounding land and no other purpose.*

*Reason: To prevent unsuitable use of the access.*

**12. Open burning**

*No waste products derived as a result of clearing the land hereby approved shall be burned on the site except in a properly constructed appliance of a type and design which has first been submitted to and approved in writing by the Local Planning Authority.*

*Reason: In order to prevent undue impact on the amenity associated with nearby residential properties in accordance with the requirements of the National Planning Policy Framework.*

**13. CCTV**

*Notwithstanding the details hereby approved, the CCTV system shall be installed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the precise position, type, direction of sight for the camera.*

*Reason: In order to prevent undue impacts on residential amenity in accordance with the requirements of the National Planning Policy Framework.*

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

**Informative 1: National Planning Policy Framework**

*The application has been considered against the guidance contained within the National Planning Policy Framework.*

## **BACKGROUND**

1. The site is understood to have previously been used as a haulage yard and more recently in association with a farming business and in part for the storage of canoe's in association with the Cleveland Sea Scouts.

2. Recent, relevant planning history is as follows:

12/1638/SCO Screening opinion request for relocation of playing pitches for Yarm School, creation of pedestrian footway over the River Tees, creation of public green space and enhancement of the footpath network, creation of public car park facility and a sports pavilion.  
EIA Required. Decision issued 31st July 2012

12/2568/EIS Revised application for creation of 11 playing pitches for Yarm School together with access for emergency/maintenance vehicles, a new pedestrian footbridge over the River Tees, two river pontoons, enhancement of mature landscape and creation of public greenspace, enhancement of the Teesdale Way and footpath network and provision of a new public car park for Yarm Town Centre. Revised outline application for a small pavilion linked with the playing pitches (all matters reserved except access).  
Refused 18th January 2013

12/2569/CON Revised application for Conservation Area Consent relating to the demolition of the haulage yard storage building.  
Approved with conditions 20th December 2012

## **SITE AND SURROUNDINGS**

3. The site is located on the north side of the River Tees behind the Blue Bell Public House and an existing apartment block. The site is largely part of an existing, established and surfaced yard area which has an old workshop/storage type building within it. The site is also partially formed and adjacent to areas of landscaping, including scrub type landscaping associated with the wider river bank area.

4. The site is located within the Egglecliffe Conservation Area, in close proximity to the Yarm Conservation Area which is on the opposite side of the River Tees and in close proximity to Yarm Bridge which is a listed structure and a scheduled monument. The site is also partly located within a Special Landscape Area and Green Wedge.

5. The site is visible from the opposite side of the river, with tree cover of the site varying through the seasons.

6. The Blue Bell Public House and its associated car park and beer garden abut the site and are set at a lower level. The adjacent 3 storey apartment block tightly abuts the site in places and has windows within its elevations facing the site.

## **PROPOSAL**

7. Planning permission is sought for the formation of a 40 space car park involving the formalisation of the access into the site, land forming works to create the surface of the car park, landscaping works, fencing works, retaining structures, CCTV, lighting and pay meter.

8. An ownership plan has been provided (SD-90.05 Rev A) for information purposes.

## **CONSULTATIONS**

9. Consultations were notified and comments received are summarised below:-

### Councillor Mrs M Rigg

Although there is a serious need for long-stay car parking for Yarm I do not believe that this is the correct solution. It is many years since the area was used regularly by vehicles and in that time the use of the building in front of it has changed to housing. The footpath up the North side of the access to Stoney Bank is used regularly by people going to and from Yarm. In order to do that they have to cross the access to the proposed car park, as well as having the traffic associated with the flats to contend with. A number of these people are children going to and from the primary school on Butts Lane. I have real concerns about pedestrian safety at the access.

Add to that the fact that most of the cars using the new car park are likely to be arriving from the North, as those arriving from the South will tend not to drive right through Yarm in order to park.

This means that at the evening peak when people are leaving work the majority of the vehicles will want to turn right across the traffic on Yarm Rd, leading to road safety concerns.

### Tees Archaeology

The small scale of the works on a site which is already hardstanding / built up is unlikely to have a significant impact on archaeological remains.

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

### 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 their report.

### Highways Comments

The development proposals would provide a car park to the rear of 661 Yarm Road. Access to the car park would be via an existing junction onto the A67/Urlay Nook Road. In addition to providing access to the development site the junction provides access to a residential development which includes a private car park and a turning area / parking area in front of the residential building. The site was previously used as a haulage yard which used the same vehicle access as that proposed to serve the car park. To the north of the site is a Public Right of Way – footpath 12 (Egglescliffe).

The proposed parking layout is shown in Drawing SD-90.01 Rev L. Whilst acknowledging that the access into the development site is narrow (2.72m at the narrowest point) it does have extant use as a haulage yard and therefore has an established use as a two-way access for goods vehicles. The car park layout has been designed to mitigate the narrow access by making the route around the car park one-way. Where incoming and outgoing traffic meets at the access, a give-way marking has been indicated on the exit lane. Vehicles exiting the car park would therefore be required to give-way to vehicles entering the car park. It is appropriate for vehicles entering the car park to be given priority to retain any queuing within the car park and thereby prevent vehicles from queuing back onto the public highway. Furthermore, from the give-way line a driver exiting the car park can see the A67 Yarm Road/Urlay Nook Road junction and can see incoming vehicles and therefore has sufficient advance notice to give-way.

Similarly, vehicles exiting the car park would be able to see vehicles exiting from the private car park and the turning area in front of the residential building. From the car park give-way marking to the front of the residential building the distance is approximately 12m. Manual for Streets provides advice on stopping sight distances (the distance within which drivers need to be able to see ahead and stop) and when travelling at 10mph, the stopping sight distance is 9m (or 11m when including the car bonnet). A stopping sight distance of 12m is therefore considered to be a sufficient distance

between the car park exit and the front of the residential property to enable drivers to react to vehicles entering and exiting from in front of the residential building.

Information has not been provided on the operating times of the car park. It is suggested that parking be limited to daylight hours only. Lighting is proposed in the car park but again this should be managed so that it is switched off at night. Information regarding the times of operation of the car park would need to be made clear to users of the facility in line with the off-street control order that would have to be published. A Car Park Management Plan detailing hours of operation, hours of lighting, CCTV and signage must be agreed with the Local Authority prior to the car park opening. This requirement should be secured by planning condition.

Pedestrians using the car park to access the High Street would use the same access as the vehicles and walk along Yarm Road and across Yarm Bridge into Yarm. The hourly increase in pedestrian flows as a result of the car park development is forecast to be negligible. Footways are available on both sides of the bridge; the footway does narrow across the bridge but any alterations to the bridge to widen the footways could have an adverse impact on the listed structure. A secondary pedestrian connection is provided to the car park via the existing Public Right of Way that runs along the northern boundary of the car park. The existing route of the Public Right of Way would not be affected by the development and the existing vehicular access to the site would also not be changed. All highway and rights of way would remain as existing and this existing infrastructure is considered to be adequate to accommodate trips generated by the car park development.

A vehicle access to the fields to the south of the car park is retained. This access would be used by farm vehicles only and use of the access would only be permitted through prior arrangement with the Local Authority. The Car Park Management Plan should confirm details of this operation.

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.

In summary, having considered the development proposals the Head of Technical Services has no highway objection to the car park. It is considered that measures have been put in place to manage traffic flows around the site given the constraints at the access. The access has an existing use and the principle of two-way traffic using the access is established. The existing access to the car park serving the neighbouring residential properties would not be affected and the existing Public Right of Way and its usage would be unaffected by the proposals. On balance therefore there is no highway reason to object to the proposed development.

#### Landscape & Visual Comments

There are no landscape and visual objections to the proposed car park development. With regard to the car park layout it is noted that the existing scrub vegetation is proposed to be removed but that the existing mature trees are to be retained. The proposal to retain the trees and to afford root protection is welcomed. With regard to the gradient, a slope of 1 in 4 is considered acceptable and is in keeping with the topography of the river corridor.

The site is located within the Eggescliffe Conservation Area and is surrounded by an area of Green Wedge and the southern and eastern edges of the site face a Special Landscape area. The current character of the existing woodland that would be affected by the scheme is largely comprised of low value Hawthorn scrub that does little to enhance these two areas. To provide mitigation and reinstatement of this landscaping it is proposed that the embankment be replanted with a native mix of trees which shall include a percentage of evergreen conifers and hollies to both provide protection during establishment and to improve screening during the winter months. This new planting would enhance the character of the conservation area, the Green Wedge and the Special Landscape area by creating a much more diverse and attractive planting habitat.

A percentage of advanced nursery stock and possibly instant hedging should be considered as part of the re-planting plan. Furthermore, the landscaping would be required to be managed by a third party. Full details of both establishment and long-term maintenance of the landscaping should be agreed with the Local Authority; this should be secured by planning condition.

Street lighting would be installed and the column and lantern type should be in keeping with the conservation area status. Agreement on the proposed street lighting should be agreed and controlled by planning condition.

#### Flood Risk Management

The development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any runoff must not exceed pre-development rates. Any increase in surface water generated by the development or existing surface water/ground water issues on the site must be alleviated by the installation of a suitable drainage system with petrol/oil interceptor within the site.

#### Environmental Health Unit

No objection in principle to the development. 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.

I refer to the above and would recommend that a condition also be applied to any approval in respect to open burning on the site.

#### Egglecliffe And Egglecliffe Council

The above application was discussed at a meeting of Egglecliffe & Egglecliffe Council on Thursday 6th March. During debate concerns were raised relating to safe access and egress to Yarm Road and the safety of pedestrians using the footpath on the east side of Yarm Road. Since use of this area as a haulage yard lapsed, the amount of traffic and possibly pedestrians on Yarm Road has increased significantly; new housing on Aislaby Road has also increased traffic at that junction and the number of vehicles turning left and right at other junctions in the immediate vicinity. In view of these concerns E&EC objects to the proposal and feels that pedestrian protection measures are needed.

#### **PUBLICITY**

10. Neighbours were notified and comments received are summarised below:-

Mr Som Emadi, 2 Railway Cottages Uray Nook Road,  
Miss Kassi Emadi, 8 Bank House Apartments 661 Yarm Road  
Miss Kassi Emadi, 7 Bank House Apartments 661 Yarm Road  
Mr Som Emadi, 5 Bank House Apartments 661 Yarm Road  
Mr Mehdi Neshat, 4 Bank House Apartments 661 Yarm Road  
Mr Marcus Emadi, 2 Bank House Apartments 661 Yarm Road  
Mr Marcus Emadi, 1 Bank House Apartments 661 Yarm Road  
Mr Marcus Emadi, 3 Railway Cottages Uray Nook Road



Mr Marcus Emadi, 3 Bank House Apartments 661 Yarm Road

(all make the following same comments)

We object to this planning application. The applicant has skewed their drawings of this area to meet their own needs. The route of the footpath has been altered to encroach even further on to land not owned by the applicant. The footpath does currently cross this to a small degree and we object to this being moved further in to the land not owned by the applicant.

If the submitted plans are approved and the footpath is not moved further on to the land not owned by the applicant, access to the proposed car park would be 1.8m at the narrowest point. This would cause it to be impossible for two cars to pass by one another as it is proposed in this application and furthermore would not even allow one car to pass through safely with the footpath directly next to the access.

The proposed plan will also raise traffic levels thus creating an increased health and safety risk when entering and exiting the apartments.

It will increase the overall noise levels, which will prove a disturbance to the apartment occupants. The car park will also be an eyesore, an unwelcome blemish on the current view from the majority of apartment windows.

The above named factors will in turn lower the value of the apartments.

Also, the current application to form a car park includes vehicular access to the river. There is no need for this access except for future development of the East bank of the River Tees and this access should be applied for at a point in the future where a viable proposal is in place; there is no need for it to be included in this application.

Mr Som Emadi, 3 Bank House Apartments 661 Yarm Road

Mr Som Emadi, Office 1, 62 High Street

We object to this planning application. The applicant has skewed their drawings of this area to meet their own needs. I have attached the title deeds of our land which is to the North and to the South of the access to this car park and it is clear that these do not marry up with the plans submitted. In particular the route of the footpath has been altered to encroach even further on to our land. The footpath does currently cross our land to a small degree and we object to this being moved further in to our land.

If the submitted plans are approved and the footpath is not moved further on to our land, access to the proposed car park would be 1.8m at the narrowest point. This would cause it to be impossible for two cars to pass by one another as it is proposed in this application and furthermore would not even allow one car to pass through safely with the footpath directly next to the access.

I am also the leaseholder of the Blue Bell pub and the proposed car park encroaches on to our land to the rear of the Blue Bell; I have attached the title deeds of this property also.

We have a report from the applicants planners from five years ago in which they stated that for a smaller car park of sixteen spaces and an apartment building the current access would not be sufficient without moving the footpath further in to our land. This report is attached and the paragraph I'm referring to is highlighted.

We are aware that Yarm requires supplementary car parking to meet the needs of the High Street. To meet these demands we are in discussion with Stockton Planning Department and propose to develop our existing car park that services the apartments at 661 Yarm road. We will make this car park three storeys and will be able to accommodate 80+ cars therein. Currently, we need to offer the tenants of 661 Yarm Road sixteen car park spaces and we will assign parking for them in this new car park.

We believe this to be a more favourable proposal than the distorted plans submitted. We will have more car park spaces and we may be able to have a separate entrance on Yarm Road and exit adjacent to the apartments at 661 Yarm Road. This would offer the required traffic calming mechanisms.

Also, the current application to form a car park includes vehicular access to the river. There is no need for this access except for future development of the East bank of the River Tees and this access should be applied for at a point in the future where a viable proposal is in place; there is no need for it to be included in this application.

Shirley Emadi, 136 Low Lane, Brookfield,

I object strongly to this application on the grounds of:-

the plans are inaccurate to the entrance of the car park and no disabled person access has been considered in this application. If this is a full plan as it state how come the vehicle access to the river has no drawings whatsoever. how can planning be granted to a road with no plans, how long/wide what is the gradient of the road. Has it got disabled access? More importantly WHAT IS THE PURPOSE OF THIS ROAD? I very strongly object because this application has not been considered correctly by various depts in the council. If this application is approved the COUNCIL OMBUDSMAN will be asked to overlook the work of the Council officers that dealt with this application. This application should be considered at a full planning committee and not behind closed doors!

Mr Mamad Emadi, 1 Bank House Apartments 661 Yarm Road

After consulting my Barrister regarding this application he has confirmed that inaccurate plans are a criminal offence! In our view these plans are inaccurate therefore I OBJECT very strongly against this application. May I remind you that the dates for consideration for this application are kept to as advertised on this site! our Barrister will be in touch with you shortly with full details of our objections! In any event OUR LAND cannot be used by the Developer or the Council! A court injunction will be taken immediately if this occurs!

Mr Mamad Emadi, Comments to revised scheme

We are in receipt of your letter to our Barrister it is obvious there are very important points that the council are ignoring which are of most Importance. These include Health & Safety of Pedestrians, existence of two other car parks on the same location, non-existence of plans for the new road, incorrect measurement of the proposed car park, non-existence of Disabled car parking, non-existence of retaining wall in order to protect our building & a number of issues. It is obvious the Council in conjunction with the Developer are acquiring.

Planning Permission for a dual purpose of car park for Council and a Road for the developer. it must be a conflict of interest if the Council and Developer are having a joint application. It has been claimed by Mr Ken Lupton in a meeting with us that This land has been GIFTED to the Council by the Developer and yet the applicant is the Developer and Not the Council.

This is the Third time the plans had to be changed because of False information and wrong plans and yet each time the council recommended this for approval, if this is not a cahoot between the Developer and the Council then we don't know what is!

We feel very strongly that we have been prejudiced by STOCKTON BOROUGH COUNCIL due to our Race and Religion since nobody from Stockton Borough Council even is prepared to meet us on the site despite numerous requests and all the information on this application being incorrect! We are going to fence off our land with metal railings in order to protect our land from abuse by the council and developer. Please advise us on any restrictions you like to impose on us since nothing else is expected from you

Landmark Chambers – On behalf Mamad Emadi

Raised a number of issues including those relating to the accuracy of plans, about the ownership of land within the application site, the distances shown versus those achievable, considering that the plans mis-represent available space on the site which results in mis-represented angles and space for cars entering and width across the site to achieve what is shown, as well as concerns over forward visibility. Concerns over the gradients of the scheme, suggesting these are unacceptable for users of the scheme, in particular disabled users.

Jeff Turley, 16 The Crescent, Eaglescliffe

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.

I am writing to you with reference to the above planning application.

My questions are relating to the drainage of the proposed car park. Simply how and where will the rainwater be disposed of? And what happens to any spillage of fuel oil from the parked vehicles? Has an Environmental Impact Assessment been carried out?

I was involved with the installation of a car park, of similar proportions, some years ago and I had to install a water/fuel oil interceptor before connection to the mains drainage system.

I would have expected the legislation that I followed still applies today.

I am not objecting against the proposal but it still needs to be constructed in such a way that there is no adverse impact on the environment.

Punch Taverns, Blue Bell Yarm Road

Advised in respect to the initial plans that the car park involved land which they considered to be in their ownership and part of their operational car park and informed that it was therefore not available and objected to the application on that basis.

Mr Latimer, Commodore House, 1a Countisbury Road, Norton

The apparent ownership issues are the same / similar to those reference 12/1990/EIS, where, during planning committee meeting at which approval was granted, Chairman of the Planning Committee said that ownership issues were not a planning matter. That application identified that the applicant must provide additional car parking for users of Yarm Town Centre in mitigation of the expected effects of the approved housing development. 34 No spaces were proposed by the applicant in the location which is now the subject of application 14/0278/FUL, or the agreed alternative of a commuted sum contribution of £280000 made to Stockton BC for it to fund mitigation measures if those 34 No spaces didn't materialise. This either / or situation was why the remarks of the Chairman of the Planning Committee could be made.

Surely, having already announced that this proposed car park is part of Stockton BC's solution to the additional spaces identified in its Borough Wide Car Parking Strategy, not mitigation of 12/1990/EIS, then Stockton BC must now be interested in these ownership issues?

Stockton BC has already said that the solution to the additional spaces identified in its Borough Wide Car Parking Strategy may include resorting to compulsory purchase, where owners are not willing to cooperate. Is Stockton BC now about to have to go to compulsory purchase to find answers to what is now a potential 200 No additional spaces shortfall, 80/100 Borough Wide Car Parking Strategy and 100+ aggregate approved development mitigation?

Mr Matthew Wood, 8 Butts Lane, Egglecliffe, Stockton-on-Tees

As an adjacent property owner, and frequent user of both the foot and road ways that cross this site, I wish to object to the proposed development. My objections are as follows: Pedestrian safety. There are two well documented and heavily used pedestrian footpaths which cross the proposed access to the site. The foot path that leads up Stoney Bank has very limited visibility of the proposed site access. This is due to the building at 661 Yarm Road on one side,

and the vegetation on the other. Combined with the width restrictions that will be imposed on the site access, this will create a very dangerous area for pedestrians. Especially those with children who frequently use this path due to it not being along the main road.

Vehicle safety. There are two private car parks that adjoin the proposed site access. One in front of 661 Yarm Road and one to the north beside the foot path. Any vehicle wishing to enter or exit those car parks will be competing for access with the vehicles wishing to use the proposed new car park. Additionally, vehicles accessing the car park will be entering and exiting Yarm Road at an area where there are significant sight restrictions, caused by the traffic that is usually queuing from the North. Combined with the number of other Yarm Road access points that are in close proximity (Blue Bell car park, Aislaby Road) this will create unnecessary hazards for drivers using the proposed car park.

The combined impact of the issues outlined above, and the potential loss of use of the Scout Watersports facility, make the proposed car park an extremely unsuitable development for this site. I would urge the council to reconsider other options for providing a long term car parking solution for Yarm.

Mrs Diane Jinks, 85 Greenfield Drive, Eaglescliffe, Stockton-on-Tees

I object. I am a Cub Leader at 1st Egglecliffe Scout Group. We often take our cubs Kayaking on the river. Its cheap, fun and exciting for the children, encouraging them to try new things and feed their spirit of adventure. If the boat shed is removed to provide a few more parking spaces it will impact not just my groups beavers, cubs and scouts, but children all over the district and county. In this day and age where there is increasing child obesity and encouraging children to get outside and active is an ongoing battle i am shocked that the council would be so irresponsible as to remove such a well used facility. It like all scouting is run and administered by volunteers giving up their own free time to ensure local children from all walks of life abilities and disabilities can get active outside and in safety. The only way this could possibly be acceptable would be if the council is planning on GIVING us better facilities with easy access to the river. It would look much better to give to a charitable organisation rather than take the facilities away from one.

Mr Martin Morgan, Greenfields Farm, Hilton, Yarm

I object to this development on the basis of the loss of leisure facilities for young people, namely the Scout canoe store and riverside access. The canoe facilities are used by cubs, scouts, explorer scouts and others thus providing sorely needed opportunities for young people to engage with meaningful active recreational activities and not be sat in front of a computer or loitering on the high street. Is it really a wise strategy to compromise recreational facilities for young people in favour of additional car parking? There always seems to be plenty of empty parking spaces during the week since the introduction of parking charges on the high street. What plans are in place to replace the Scouts facility?

Mr Gerald Bishop (on behalf of Cleveland Sea Scouts)

We have had use of the yard and building since 2007 and shared it with the farmer. The building has been used as storage for kayaks, canoes, trailers and safety equipment including a powered safety boat. The building is basic but it is practical for our use and its loss to a car park would mean would mean a lot of young people would lose the access to the River Tees down a short but fairly steep path from the site. The last 18 months have been difficult because of the uncertainties over various planning applications but we would like to improve the building and the launc place on the river. Over the last 6 years we have had over 250 people on the river each year between May and September, enjoying a structured and adventurous activity with qualified leaders who are unpaid volunteers.

We have no alternative location available to use and no funds to build anything new. The initial location was lost when the Castlegate centre was built. The riverside at Yarm is ideal with few motorised craft on this section of the river. The river bank is a wildlife haven, we have recently

seen deer and evidence of badgers and water voles. The tree landscape holds the river bank together. I would like to safeguard this shared facility with the farming family.

Ms R Billing, 56 Canon Grove, Yarm

As part of a team of Scout Leaders, who carry out voluntary work for young people in the area (and have done so for many, many years), I find this application totally unacceptable for the following reasons:-

- \*we are providing youth activities in the local area, as there are very few opportunities for young people
- \*this site is regularly used mainly for Cubs, Scouts, Explorers and Leaders (many hundreds of young people have used the site)
- \* it teaches young people water safety
- \* it helps young people to gain confidence, achievement and builds on life skills
- \* keeps young people off the streets and occupied, stopping anti-social behaviour/crime
- \* most of all it provides enjoyment and fun, which is very rewarding to see from all that participates
- \* the site is perfect for the canoe activities and there is no where else to go (which is affordable)!

Mr Paul Connett, 53 Langleeford Way, Ingleby Barwick, Stockton-on-Tees

Object to the Planning Application

Comment Reasons:

- development not suitable for area
- general/other
- loss of open space

As a parent of two children of Scout age this facility has been an invaluable part of their social development, providing them with the opportunity to learn a new sport within a safe environment, teach group working and get them active whilst having fun.

The facility is very well used and offers the chance for people of all ages to experience paddlesport within Scouting. There are too few youth facilities in the area and the closure of this facility would reduce further the opportunities for young people.

The facility keeps young people occupied, stops anti-social behaviour and has health benefits.

The site provides perfect opportunities for paddlesport activities which cannot be found elsewhere in the area.

Mr John Yardley, 16 Dunbar Drive, Eaglescliffe, Stockton-on-Tees

As Scout leader at 1st Egglecliffe (St John's) I must echo the comments made by Mr Bishop, Ms Billing, Mrs Jinks, Mr Morgan and others that the loss of the water sports facility would have a substantial impact on our ability to offer activities to young people in the local area.

Our Troop comprises 22 Scouts from a variety of backgrounds in Egglecliffe, Eaglescliffe and Yarm, with the Group also having a full Cub pack, Beaver Colony. We share a building with 1st Egglecliffe (All Saints) Scout Group and Stockton South Explorer Scout Unit, who also make use of the water sports facilities here.

It is likely that without a store and river access locally, not only would the young people not be able to participate in water sports, but the adult leaders who have completed qualifications to enable sessions to take place would also not have a location to practice and hence not be able to keep up with the necessary experience to not let the qualifications lapse.

I thus object to this application on these grounds.

**PLANNING POLICY**

11. 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

12. 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

13. 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.

### ***Core Strategy Policy 1 (CS1) - The Spatial Strategy***

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. 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.

6. 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**

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

- \_ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- \_ Leven Valley between Yarm and Ingleby Barwick;
- \_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- \_ Stainsby Beck Valley, Thornaby;
- \_ Billingham Beck Valley;
- \_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

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.

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

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) 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:

- (i) It can be shown that the loss is not detrimental to the character or appearance of the conservation area; or
- (ii) The structural condition renders it unsafe; or
- (iii) The structure is beyond reasonable economic repair.

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

**Saved Policy EN29 of the adopted Stockton on Tees Local Plan**

Development which will adversely affect the site, fabric or setting of a scheduled ancient monument will not be permitted.

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

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

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) 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.

**Saved Policy EN7**

*Development which harms the landscape value of the following special landscape area will not be permitted:*

- a. Level Valley
- b. Tees valley
- c. Wynyard Park

**Regeneration and Environment LDD - Preferred Options (2012)**

**Strategic Policy SP4 - Green Wedge**

Within Green Wedges, the Council will support the following land uses and small scale development:

- a. Agriculture, including allotments and horticulture.
- b. Recreation
- c. Tourism, which requires such a location
- d. Forestry
- e. Footpaths, bridleways and cycle ways
- f. Burial grounds

Provided they do not damage the function of the Green Wedge, which is to prevent the coalescence of communities within the built-up area by maintaining its appearance and openness.

**Policy ENV5 - Landscape Character**

The Council will support proposals which reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Tees Lowlands National Character Area and the Stockton-on-Tees Landscape Character Assessment and Capacity Study. Development proposals will be expected to demonstrate that their location, scale, design and materials will protect and where possible, enhance the special qualities and local distinctiveness of the area.

**MATERIAL PLANNING CONSIDERATIONS**

14. Applications are required to be determined in accordance with the Development Plan in force unless material planning considerations indicate otherwise, which includes guidance within the National Planning Policy Framework and its associated documents.

15. As the site is located within Egglecliffe Conservation Area, adjacent to residential properties and near to listed structures, partly within a Special Landscape Area and area of Green Wedge, the main issues to consider revolve around the schemes impact on these matters / designations. These and other material planning considerations are considered as follows;

***Principle of Development***

16. The proposed use is intended to provide parking to serve Yarm Centre which has been a requirement of several recent housing permissions within the wider area. Whilst the site is located out-with the defined town centre area, it is located within reasonable walking distance to serve this purpose and is therefore considered to be an acceptable use in this area in principle, and notwithstanding considerations against other designations.

17. 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.



### ***Highway related matters***

18. The proposed car park would utilise the existing site access off Yarm Road, which leads past the side of the apartment block. A number of objections have been raised about the adequacy of the access, its proximity to other car park accesses associated with the apartment block and in respect to the footpath which sides the northern side of the access road. The owner of the apartment block and others have raised issues around the accuracy of plans and the amount of space available to create the access, suggesting that the access cannot be achieved and that it will affect the line of the adjacent footpath. Revised plans have been submitted which officers now consider to accurately represent the site and its access arrangements, although objectors remain to be convinced otherwise.

19. Egglecliffe and Eaglescliffe Council have objected to the application over safe access and egress from the site to Yarm Road and for pedestrians using the footpath on the east side of Yarm Road. Objectors consider the scheme will affect pedestrian safety due to the impact on well documented and heavily used pedestrian footpaths which cross the proposed access to the site. An objector advises that the footpath that leads up Stoney Bank has very limited visibility of the proposed site access due to the building at 661 Yarm Road on one side vegetation on the other. Combined with the width restrictions that will be imposed on the site access the objector considers this will create a very dangerous area for pedestrians, especially those with children who frequently use this path.

20. The site access is off Yarm Road (A67) at a point where reasonable visibility can be achieved in both directions. The Head of Technical Services has raised no objection to the proposal, highlighting that the roadway has been providing access to the site for many years, including for goods vehicles and that subject to conditions would be suitable for the proposed use. The Head of Technical Services has advised that, although a part of the access is particularly narrow, (only 2.72m at its narrowest past the apartment block), the proposal mitigates this by having a one way section and give way markings, from which, adequate visibility can be achieved of vehicles entering and leaving the car park. The submitted plans detail the existing public footpath to the north of the site and indicate that this would remain unaltered, thereby allowing for the continued safe movement of pedestrians.

21. Pedestrians would have to navigate through the car park, to the public footpath and then utilise the existing footpaths which link the site to Yarm Centre. Although the access into the car park is narrow at points, and pedestrians will in part be walking within the car park, this is not dissimilar to how many car parks operate and both motorists and pedestrians are expected to use care when navigating their way around.

22. Objection has been raised that the proposal will increase traffic level, and thereby create increased risk to people entering and existing the apartments. Whilst noted, the apartment block is accessed via the same vehicular access off Yarm Road and then has an area of parking immediately to the north and south of the access into the proposed car park. In view of the limited scale of the car park proposed and reasonable visibility for vehicles entering and exiting the existing car parks, as well as for pedestrians, and in view of vehicle speeds likely to be particularly low, it is considered that there would be no undue risk in this regard.

23. Objection and concern has been raised over the proposed gradients for the site, suggesting that these are such that would make the scheme unacceptable for its users of the scheme, in particular disabled users. The revised plans obtained from the applicant show the site sections and detail the gradient of the car park surface as well as the gradient of surrounding landscaped

areas and the positions of retaining walls. Importantly, there are no disabled parking spaces shown within the car park which would normally be positioned in closer proximity to the 'centre'. The Head of Technical Services has considered the revised plans and has raised no objection on these grounds and whilst the proposed footpath link into the car park will be at gradient, it is considered that this would not be significant whilst traffic speeds in this position should be particularly low and as such there is no undue risk to pedestrian safety.

24. Councillor Rigg has raised concerns that the car park is likely to be occupied by users coming from the north and as such, in the evening peak, the users are likely to be turning right out of the car park to head north, which is across the flow of traffic. Whilst noted, the Head of Technical Services is satisfied with the amount of traffic entering and exiting the site at this point.

### ***General Landscape related matters***

25. The proposed works will require some levelling to the existing surfaced area, the removal of some trees to the northern boundary where a retaining structure needs to be provided, as well as trees within the centre of the site and the southern section where further land grading works would be required. Landscaping in the form of larger trees would still remain to the northern, eastern and southern site boundaries, some of which is out-with the applicants ownership, thereby retaining some cover area and some screening for the car park. Following the proposed re-grading works to the eastern and southern sides of the site, replanting works would take place.

26. The site is not readily visible from immediately to the front of the site on Yarm Road, although does become more notable and further along towards Yarm and from the opposite side of the river. Currently, the tree / scrub cover screens the majority of the site and building which sits within the landscaped river bank. The proposal will reduce the amount of existing cover and increase the car park surface out at level. As such, the car park would be more visible and less screened as a result of the works.

27. The Head of Technical Services considers that the landscaping being lost is mainly the scrub cover and that the larger trees will remain and will retain root protection where necessary. The proposed gradients to the landscape areas are considered to be in accordance with those of the surrounding area. The Head of Technical Services considers that the provision of a native planting scheme which includes evergreens such as Holly and Conifer will assist, giving cover during winter months and would thereby enhance the character of the conservation area / special landscape area and green wedge alike. The Head of Technical Services has suggested that advanced nursery stock and instant hedging (planted semi mature) could assist in giving an instant benefit. A planning condition is recommended to achieve a suitable landscaping scheme.

### ***Impacts on the landscape and associated designations***

28. Part of the proposed works extend into the designated Green Wedge which is protected by Core Strategy Development Plan Policy CS10. Policy CS10 indicates that the separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of the green wedges.

29. Whilst the surfacing and use as proposed by this application is generally at odds with the green wedge policy, this proposal relates to a small part of the green wedge, where there is already some development and is intended to be for a use which would have a limited impact in terms of built form. The site is also within Egglecliffe 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. The demolition of the building was approved by an earlier application.

30. In view of the limited extent of the proposed car park beyond the existing hard surfacing, the overall proposal achieving the removal of a commercial workshop from the site and new landscaping works taking place to assimilate it into the landscape and in part screen it, although it is likely to be partially visible for several years from the opposing side of the river, it is considered that the proposal would not undermine the significance of the green wedge and would not unduly affect the character of the conservation area, which in this locality would remain to be that of a landscaped river bank.

31. The southern section of the site is also within a 'Special Landscape Area' as designated by saved Local Plan Policy EN7. This policy advises that development which harms the landscape value of the Tees Valley will not be permitted. At this point along the river bank, there is already built form and hard surfacing. It is considered that the provision of a greater hard surfaced area, whilst detrimental is offset by the loss of the building and additional landscaping works would allow the landscape value of this part of the Special Landscape Area to remain in-tact.

32. The site is located within a Landscape Character area as detailed under Emerging Policy ENV5 where guidance indicates that the Council will support proposals which reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Tees Lowlands National Character Area and the Stockton-on-Tees Landscape Character Assessment and Capacity Study. As with other landscape designations, in view of the limited scale of the development, no significant built form and landscaping being proposed it is considered that the character would not change long term.

### ***Impact on residential amenity***

33. The application site lies immediately adjacent to and shares an access with the adjacent apartment block. The Blue Bell Public House is also adjacent which is likely to have or could provide managers accommodation, although being further away, any impacts on this would be lesser than those on the occupiers of the apartment block. Objection has been raised in respect to the increase in noise levels and pollution levels that will result for occupiers of the adjacent apartments and that it will be an eyesore from the view currently gained from the apartment windows and will de-value them. The right to a view and the de-valuation of property is not a material planning consideration but other concerns are considered below.

34. Due to the relationship between the car park and the apartment block, and specifically the windows within the apartment block (rear and side), it is considered that the proposed use would have a detrimental impact on the adjacent residents due to the comings and goings of traffic and the associated pedestrians, their noise, and the closing of car doors etc. The ground floor windows are at a level which would allow views from the car park users directly into the apartments.

35. The latest revised layout plan shows the section of the car park immediately adjacent to the rear wall of the apartment block as being partly separated by a 1.3m high post and 4 rail fence and landscaping. The remainder of the apartments rear elevation would be adjacent to hard surfacing with the car park, away from the spaces but in close proximity to the road in and out of the car park. Windows within the side elevation will be in a similar position. The windows at 1<sup>st</sup> and 2<sup>nd</sup> floor levels would have a lesser impact of visible movement from the car park, although likely to be impacted by noise, lighting etc. to a similar degree.

36. It is understood that the site currently gains a low level of use in terms of traffic entering or exiting the site. However, this could increase without any planning permissions required and there are no known restrictions on the hours of use of the yard, which could reasonably be operated on a commercial basis.

37. Clearly there is a difference between a commercial area where limited people are likely to be present and a public car park, although, the proposed, fencing and landscaping will go some way to offset the use from the immediacy of some windows within the apartment block.

38. In view of this relationship between the two uses, control over the extent of the hours of use for the car park are considered to be necessary. In support of this approach, the Council's Environmental Health officer has advised that they have no powers to take action in respect to noise being generated from a public highway or car park and any loss of amenity to local residents therefore needs to be dealt with through the hours of use of the car park.

39. It is recommended that the hours be limited from 7.30am to 6.30pm on any given day which will allow some respite from the use taking into account the limited or lack of intervening space between the proposed car park and the existing apartment block. A condition is also recommended which requires the agreement of a car park management plan which will include methods of dealing with out of hours use and which will serve to protect resident's amenity should this become an issue.

40. Although windows within the adjacent apartment block abut the application site, the car park spaces are slightly offset to them and being an otherwise open site, and it being a use where long term standing traffic would be unlikely to occur, it is considered that pollution from the vehicles would therefore not raise any significant impacts on residential amenity.

41. The proposed floodlighting will have an impact on adjacent residential properties and need only to be operational during times of the car parks use and in dim light conditions and this will assist in limiting impacts on residents. A condition is recommended to address this matter. 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 further minimise any impacts.

### ***Other Matters***

42. The Head of Technical Services has advised that operating times for the car park have not been provided but suggests they should be limited to daylight hours and that any lighting should be managed so that it is switched off at night. In order to address the extent of surface marking, signage for users, hours of lighting and other such matters, a condition requiring a management plan is recommended.

43. The site is in close proximity to the listed Yarm Bridge and Church in Egglecliffe whilst the bridge is also a scheduled ancient monument. The church is considered to gain its context partly from within the village and partly from the opposing side of the river where it will be visible in the same view point as this proposed development. However, the proposed car park is set off to one side and it is considered that there is sufficient distance between the site and the church and intervening landscaping to prevent the proposal having any undue impact on the setting of this listed building.

44. With regards to the Bridge, the site is somewhat closer. The bridge gains its context from the highway which runs over it and from the land either side, with the river running beneath. The application site is considered to be set a sufficient distance away to prevent an undue impact on the listed bridge / scheduled monument.

45. 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 and their associated windows, this is considered to be necessary. A condition is recommended accordingly.

46. Objection has been raised in respect to the scheme giving vehicular access to the river bank. The existing site has a narrow footpath from the site which leads down to the riverbank and it is understood that the applicant owns this land. A vehicular access therefore allows for the maintenance of this land but would not formalise a different use of the land. A condition has been recommended to clarify this point and prevent ambiguity in the future.

47. Tees Archaeology were consulted and have advised that the works relate to a small site where the land is already hardstanding / built up and consider it to be unlikely to have a significant impact on archaeological remains. As such, the proposal is considered to accord with the principles of saved Local Plan Policy EN30 and no conditions are recommended in respect to such matters.

48. The application site is located within Flood Zone 1 where the risk of flooding is considered to be not significant. The proposed use is a suitable one within this flood zone.

49. The Head of Technical Service has suggested that the type of lighting column is controlled by condition so that it is appropriate for its location. A condition is recommended accordingly.

50. An objector has advised that they own an existing car park near to the site and would propose a 3 storey car park there, considering this to be a more suitable proposal. Whilst noted, the submission as detailed needs to be considered on its own merits.

51. Objections raised in respect to the application site being on land of others is noted. However, it is considered that this does not affect the suitability of the scheme, only the ability to deliver it. It is therefore considered that land ownership in this instance is not sufficient reason to warrant refusal of the application. A number of other matters have been raised by objectors which are not material planning considerations and as such they have not been addressed in this report.

52. An objector has raised concerns 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. The proposed development relates to the creation of a car park on an existing area of hard-surfacing and will in part extend the area concerned. Water currently falling on the site would permeate towards the adjacent river in a relatively uncontrolled manner. The Head of Technical Services has advised that the development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites and that any increase in surface water generated by the development or existing surface water/ground water issues on the site must be alleviated by the installation of a suitable drainage system with petrol/oil interceptor within the site. In order to deal with this effectively, a condition is recommended.

53. A resident has referred to the approval of the planning permission for Greens Lane 12/1990/EIS), where the applicant was required to provide additional car parking for users of Yarm Town Centre in mitigation of the expected effects of the approved housing development, with 34 spaces being proposed in the location which is now the subject of this application, or the agreed alternative of a commuted sum contribution of £280000. The resident anticipates that having already announced that this proposed car park is part of the council's solution to the additional spaces identified in its Borough Wide Car Parking Strategy, it is not mitigation for the development approved under application 12/1990/EIS. Whilst noted this matter is considered to not carry any significant weight.

54. The Cleveland Sea Scouts and others including Egglecliffe Scout Group have commented on the application, indicating that they have used the site and building for the last 7 years and around 250 children a year use the site. They have indicated that they would wish to continue to use the building and site as they have no-where else to operate from. They consider this to be a positive recreation activity for young children. Whilst the site may be beneficial to the sea scouts, and the

use by children is a positive one on many levels, they operate from a site owned by someone else and the loss of the current use of the site by the Sea Scouts, whilst regrettable if there is no reasonable alternative for them, this is considered to be a matter which carries little weight in determining this application.

55. Comment is made over the removal of trees affecting the stability of the river bank and indicating that the river bank is used by wildlife. These points are noted, however, the car park should be constructed in a safe manner and new landscaping will be put back which should assist. Further to this, the proposal relates to only a small area of land which is not already surfaced and as such is considered would have a limited impact on wildlife.

56. The Councils Environmental Health Officer has advised that a condition relating to no waste products derived as a result of clearing the land shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority. In view of the sites proximity to residential properties, a condition has been recommended to address this matter.

## **CONCLUSION**

57. The proposal is considered to represent a suitable form of development without significant detrimental impact on residential amenity and without undue risk to highway safety. The impacts on land designations are considered to be sufficiently limited and subject to controlling conditions, it is considered that the proposed development is in accordance with relevant development plan policies.

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

## **WARD AND WARD COUNCILLORS**

Ward	Eaglescliffe
Ward Councillor	Councillor A L Lewis, Councillor Mrs M. Rigg, Councillor Phillip Dennis

## **IMPLICATIONS**

Financial Implications:

There are no known financial implications in determining this application.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal will result in the loss of some existing landscaping and will increase the amount of hardstanding within a protected / designated landscape and would become a more prominent site. Notwithstanding these matters, the proposals seek to supplement surrounding landscaping that would remain adjacent to the site with new native planting to retain the character and in part screen the development.

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 views of residents and other has been taken into account in reaching the recommendation whilst the impacts on nearby land uses and residential amenity have been taken into account. It is considered that the proposed car park would not have a significant and detrimental impact on the amenity associated with the adjacent residential properties.

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. The proposed car park is to be lit whilst a condition has been recommended to address out of hours use should this become a problem. Whilst the use of the site will give public access to the rear of the adjacent residential properties, a relatively uncontrolled access already exists and the proposed use will create an element of both natural surveillance and CCTV. Further to this, adequate access and manoeuvrability has been achieved within the site. It is considered that the car park would be a safe environment in view of these matters.

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