

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**22 OCTOBER 2014**

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

**14/2496/REV**

**Land East Of 661, Yarm Road, Eaglescliffe**

**Revised application for the formation of a car park including maintenance access to river and associated infrastructure and landscaping works**

**Expiry Date: 13 November 2014**

### **SUMMARY**

Planning permission is sought for the development on land to the rear of 661 Yarm Road, Eaglescliffe to create a 36 space car park. An application was previously submitted and refused by the Planning Committee for a car park on the site earlier this year. The reasons for refusal related to loss of landscaping to the northern site boundary, unacceptable impact on residential amenity due to window positions in the adjacent apartment block and the proposed access into the site being unsuitable. This application has been submitted with changes which seek to address the previous reasons for refusal.

The site is currently occupied by a workshop / storage building and areas of hardstand and landscaping and is located behind an apartment block and the Blue Bell Public House to the north of Yarm Bridge.

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.

Objectors consider that the submission does not address the previous reasons for refusal, mainly raising objection in respect to the impact of traffic into and out of the site on existing traffic flows, on pedestrian safety and on the occupants of the existing apartment block. The suitability of the access is also a point of objection.

The Head of Technical Services considers that the access and egress arrangements for the proposed car park are acceptable and that the amount of traffic into the site is acceptable taking into account previous levels of traffic associated with past uses.

The proposed car park is adjacent to an apartment block, the rear elevation of which was built along the boundary of the site and which has habitable room windows within it. The proposal has been amended from the recently refused application by moving the car park spaces and hardstanding away from the windows within the apartments and allowing for landscaping in the intervening area. This is considered to be a notable improvement in the relationship between the existing and proposed uses and is considered to be sufficient to address the previous reason for refusal. Additional parking is also proposed to the northern site boundary to address the Planning Committee's previous concerns on this matter.

The site is within a Conservation Area, 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 considered significant, and 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 14/2496/REV 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-90.00</i>	<i>18 September 2014</i>
<i>886/01</i>	<i>18 September 2014</i>
<i>SD-90.01</i>	<i>18 September 2014</i>
<i>SD-90.04</i>	<i>18 September 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. 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**

*The development shall be carried out in accordance with the ground levels detailed on approved plan 886/01 unless an alternative scheme of ground levels has been submitted to and approved in writing by the Local Planning Authority. .*

*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. Unexpected Land Contamination**

*In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.*

*Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) – Environmental protection and enhancement*

**14. Retained planting area**

*The planting area adjacent to the apartment block to the western site boundary shall be provided and maintained as approved and as an area of planting in perpetuity.*

*Reason: In order to prevent this area being brought into use as an operational part of the car park and prevent undue impacts on the privacy and amenity associated with the existing apartment block.*

**Informative 1: National Planning Policy Framework**

*The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.*

**Informative 2: Replacement Chicane detail and long term management of car park.**

*The replacement chicane detail shown on the plans is not required as part of this permission. Notwithstanding this, should the applicant wish to provide this, they should do so in accordance with the process requirements of the Local Highways Authority. Contact with the highways authority for this and to discuss the long term management of the scheme should be made.*

**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 Scouts.

Recent, relevant planning history is as follows;

2. 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
3. 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
4. 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
5. 14/0278/FUL Formation of a car park including vehicular access to river and associated infrastructure and landscaping works.  
Refused on the 17th July 2014 for the following reasons;

*Reason 1: Environmental Impact (loss of northern landscaping belt)*

*In the opinion of the Local Planning Authority, the proposed development would result in the loss of existing landscaping to the northern site boundary, being detrimental to the character of the site and surroundings and the Egglecliffe Conservation Area, contrary to saved Local Plan Policy EN24 and Core Strategy Development Plan Policy CS3(8).*

*Reason 2: Impact on living standards*

*In the opinion of the Local Planning Authority, by virtue of the operation of the proposed car park and its position relative to the adjacent apartment block and the associated windows, it is considered that*

*the proposal would have an unacceptable impact on residential amenity, contrary to the requirements of the National Planning Policy Framework (para. 17) which requires a good standard of amenity for existing and future occupants of land and buildings.*

*Reason 3: Road Safety*

*In the opinion of the Local Planning Authority the proposed access into the site is considered to be unsuitable and would pose a risk to highway safety, contrary to Core Strategy development Plan Policy CS3 (8) which requires new development to be designed with safety in mind and the principles of the National Planning Policy Framework.*

## **SITE AND SURROUNDINGS**

6. The site is located on the north side of the River Tees, to the north of Yarm Bridge, behind the Blue Bell Public House and an existing apartment block (661 Yarm Road). The site is largely made up of an existing surfaced yard area, an old brick workshop type building and areas of landscaping around the periphery.
7. 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 application site in places and has windows within its rear and side elevations which face across the site and its access road.
8. The site is located within Egglecliffe Conservation Area, in close proximity to Yarm Conservation Area which is on the opposing 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 located within a Special Landscape Area and Green Wedge.
9. The site is visible from the opposing side of the river, with tree cover varying through the seasons and is on the sloping river bank as it rises towards Egglecliffe / Eaglescliffe.

## **PROPOSAL**

10. Planning permission is sought for the formation of a 36 space car park involving the formalisation of the access into the site, land levelling works to create the surface of the car park, landscaping works, fencing works, retaining structures, CCTV, lighting and pay meter.
11. Planting is shown around the sites boundaries and retaining structures of varying heights are shown to the eastern and western sides of the site.

## **CONSULTATIONS**

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

12. Environmental Health Unit

No objection in principle to the development subject to conditions being imposed in respect to the following matters;

Open burning

Light Intrusion

Noise disturbance from access and egress to the premises

Construction Noise

Unexpected land contamination

13. Head of Technical Services

Subject to the comments below being controlled by condition the Head of Technical Services has no objection to this development.

The development proposals would provide a long stay car park with 34 parking bays to the rear of 661 Yarm Road. It is the developer's intention that the management of the car park would be undertaken by Stockton Borough Council.

Access to the car park would be via an existing junction onto the A67 Yarm Road. In addition to providing access to the development site the junction also provides access to a residential development of 9 apartments which includes a private car park and a turning area / parking area in front of the residential building. To the north of the site is a Public Right of Way (PRoW) – footpath 12 (Egglescliffe) locally known as Stonybank Lane.

The proposed parking layout is shown in Drawing SD-90.01

Access

The site benefits from an extant use and includes a workshop / storage building. The site has previously been used as a haulage yard, to store agricultural equipment and more recently to store scout equipment associated with kayaking on the river. As such, two way goods / commercial traffic have been associated with this site over a period of time. The car park layout has been designed to take account of the existing access arrangements by making the route around the car park one-way. Where incoming and outgoing traffic meets at the access, give-way markings have been indicated and 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 as this will prevent queuing back towards Yarm Road and obstruction of the adjacent car park accesses. Furthermore, a driver exiting the car park can see incoming vehicles as they exit the A67 Yarm Road and therefore has sufficient advance notice to give-way. Vehicles exiting the car park would have 13m unobstructed visibility of vehicles exiting from the turning area and car park in front of the residential building.

Manual for Streets provides advice on stopping sight distances (the distance within which drivers need to be able to see ahead and stop from a given speed) and when travelling at 10mph, the stopping sight distance is 9m (or 11m when including the car bonnet). The stopping sight distance of 13m as proposed is therefore considered to be a sufficient distance between the proposed car park exit and vehicles entering and exiting from in front of the existing residential apartment building.

Pedestrians accessing Yarm High Street from the car park would use the new footpath link at the site entrance and onto the existing PRoW thereafter. The existing route of the PRoW would not be affected by the development and the existing vehicular access, off the A67 Yarm Road, to the site would also not be changed.

The proposals include enhancements of the existing chicane on the PRoW. Whilst this proposal is acceptable, its location lies beyond the red line boundary and it is not considered to be an essential provision to allow the development to go ahead. As such, this should be dealt with by informative. Further comment is included in the informative section.

Layout

The car park has been designed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

A maintenance access has been provided to the agricultural fields to the south of the car park. It is anticipated that this access would be used by farm vehicles only and use of the access would only be permitted through prior arrangement with the car park operator so that adequate arrangements can be made.

#### Traffic Impact

A Transport Statement (TS) has been provided which provides further traffic movement evidence to address concerns raised to the previous application (14/0274/FUL). The TS considers the cumulative traffic movements associated with the proposed long stay car park, existing and previous combined uses of the site and the adjoining property which are served by a shared access road.

The TS makes reference to a previous traffic statement undertaken as part of the adjacent apartment block. This demonstrated that the previous use of the adjacent site, when it was a restaurant/bar, generated 181 vehicle movements per day. The TS also states that the current use of the adjacent site, as 9 executive apartments, would generate approximately 64 vehicle movements per day. The previous TS concluded that the proposal to replace the existing use as a restaurant/bar with a residential use would not have a significant effect on the existing road network.

The proposed car park should not generate additional traffic through Yarm High Street as the majority of users of the car park would already be on the A67 traveling from the north and west and should simply divert into the proposed car park rather than drive into Yarm to park.

A total of 102 vehicle movements per day are predicted at the junction of the site access and the A67 Yarm Road and this is based on each parking space being used 1.5 times per day with a subsequent reduction in through trips on the A67. It is considered that this assumption is reasonable. Whilst the proposed car park would result in more turning movements at the access to the site from the A67 Yarm Road, the combined vehicle movements associated with the existing use of the apartment block and the proposed car park would be 166 per day which is less than that generated by the previous use of the adjacent site, as a restaurant/bar, which generated 181 trips per day.

Taking all of the above into account, within the context of the National Planning Policy Framework, the '*residual cumulative impact of the development*' is not considered to be '*severe*' and therefore do not present a detrimental impact on highway safety or the free flow of traffic.

#### Car Park Management

A Car Park Management Plan detailing hours of operation, hours of lighting, CCTV, signage and access arrangements to the fields to the south of the car park must be agreed with the Local Authority prior to the car park opening. 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. This Car Park Management Plan should be secured by planning condition.

Should the application be recommended for approval, the need to provide and agree a Construction Management Plan with the Highway Authority should be secured by planning condition to minimise the impact of any construction works on the public highway and adjoining residential development. 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.

#### Landscape & Visual Comments



There are no landscape and visual objections to the proposed car park development.

The site is located within the Egglecliffe 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 is largely comprised of low value Elder and Hawthorn scrub. 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 species 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.

The revised car park layout comprises a smaller area than the previous layout allowing for the retention of the existing hedgerow to the north of the site and a greater area of proposed landscaping on the western boundary alongside the adjacent residential development. The construction of the car park will only result in the removal of approximately 30 no. low quality Elder and Hawthorn scrub, with the higher quality trees to the north and west of the site suitably protected during site works, as indicated in the Tree Protection Plan. With regard to the gradients at the southern end of the car park, slopes of 1 in 4 and 1 in 5 are considered acceptable and in keeping with the topography of the river corridor.

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. 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.

The car park lighting should be painted black as indicated in the perspective drawings.

#### Flood Risk Management

The proposed car park is not situated within flood zone 2 or 3.

The information provided states that the proposed car park will be positively drained, however the discharge point has still to be determined and discharge rates agreed.

It is recommended that the developer contact the Flood Risk Management Team at [Technicalservices@stockton.gov.uk](mailto:Technicalservices@stockton.gov.uk) at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this development.

Conditions are recommended in respect to surface water drainage, surface materials for the car park surface, Landscaping, a car park management plan, a lighting and CCTV scheme and a construction management plan,

Informatives are recommended in respect to the developer contacting the Highways Authority in respect to a pedestrian chicane on Stonybank Lane and in respect to the operation and long term management of the car park.

#### Tees Archaeology

No Comments or Objections

#### **PUBLICITY**

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

Colin Brash, 246 Simonside Terrace, Heaton

Object for the following reasons;

This will lead to increased traffic in the area affected and pose increased danger to pedestrians.

It is my belief that the road to the rear of the proposed car park will lead to further development in an already congested area.

Any such proposal will likely result in disturbance of local residents.

The existing road appears to be of insufficient width at the access point.

Blake Brunskill, 2 Railway Cottages Urray Nook Road

Object on the basis that:

The increased traffic (at an already busy junction) that would ensue will cause danger to pedestrians,

Allowing this proposal will result in further proposals and further developments which would have a significant impact on the River Tees bank side,

The road allowing for access would be too narrow, which raises concerns on what other land would need to be developed,

It appears that this application relates to the green lane developments commitment to provide supplementary car park spaces.

K Emadi, 8 Bank House Apartments 661 Yarm Road

Objects. The applicant has made no attempt to rectify any of the previous reasons for refusal. The previous decision has been ignored.

Shirley Emadi, 7 Bank House Apartments 661 Yarm Road

There was a clear majority decision by the planning committee that the car park is not suitable at this location for many reasons. The applicant has made no effort and disregarded the decision. Who would be the beneficiary of the car park if the council rejected it, then what is the purpose, is it just to satisfy a house builders obligation? This car park is in Eaglescliffe and not Yarm.

Mr Matthew Wood, 8 Butts Lane Egglescliffe

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 applicant has not made any changes to the previously refused application that address these concerns. As recently as last weekend (Sept20/21) dozens of Cubs and Scouts used

this facility to enjoy time on the river Tees that would probably not have happened otherwise.

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.

Mr Shane Sellers, 2 Eggescliffe Court Eggescliffe

I wish to strongly object to the revised car parking application that is proposed by Southland Management (the applicant) on land at the rear of 661 Yarm Road, Eggescliffe.

It is deeply disappointing that the applicant has, yet again, applied to build a car park so soon after it was previously refused by Stockton Borough Council Planning Committee on an almost unanimous vote. The reasons for the Planning Committee refusing the application were extremely pertinent and, as far as I am concerned, still exist.

I note on the Design and Access Statement that Nathaniel Lichfield and Partners (the agents), who are acting on behalf of the applicant, have, once again, called the proposed car park the North Yarm Car Park. Can I state quite categorically that there is no such place as North Yarm. Where this car park is proposed to be built is within the Eggescliffe and Eggescliffe Parish Council area, which is separated from the town of Yarm by a bridge running over the River Tees. By calling the car park the North Yarm Car Park, it gives the reader a false impression that it is actually sited within the boundaries of Yarm. It most certainly does not.

The agent alleges that the revised scheme addresses the reasons for refusal by the planning committee for the previous application. I do not believe it does. The same issues exist for all three reasons for refusal and it would be difficult for any developer to mitigate otherwise. Tweaking a plan here and re-writing a few words there does not detract from the fact that significant concerns identified by the planning committee still exist.

Although all three reasons for refusal cause me a great deal of concern my main issue relates to the safety and welfare of pedestrians and drivers using this location. The applicant cannot get away from the fact that traffic entering and egressing the car park will have to cross the A67 at peak traffic flow times thereby creating a serious risk to all road users. Irrespective of how the applicant and the agents try to butter this up they cannot get away from the fact a significant threat to safety exists.

I am confident the planning committee, when this application comes before them to make a decision, will not be hoodwinked by a few changed words in documents and plans and will once again use common sense and refuse this development.

M.Emadi, 136 Low Lane, Middlesbrough

I object strongly again to this revised plan which follows exactly the same footsteps of the previous three attempts by the applicant. Each time this application varies slightly but none the less the core of the application remains the same. The previous report from The Technical Dept stating a minimum of 11 metre is required from the give way point to the front of my building -661 Yarm Road. Eggescliffe on the previous refused application it was only 7.9 metres but yet surprisingly on this revised application the distance from the give way point is now further reduced to 6 metres! This will have an even more detrimental effect on the safety of pedestrians and cars.

The report by S.A.J transport states that the site was previously for car parking and comes to the conclusion of 180 car movements into the car park per day. This argument is only

presuming the facts rather than actual facts. Since Emardi Restaurant only had permission for 5 car parking spaces to the rear of 661 Yarm Road and The River Lounge which replaced Emardi restaurant had only 11 car parking spaces. Using the same argument it proves that 34 car parking spaces will have 550 car movements per day entering and exiting this proposed car park between the hours of 7.30 am till 6.30 pm which is peak time both for pedestrians using the public footpath and vehicular traffic in comparison to a restaurant which is generally busy during the evenings with much reduced cars and pedestrians. 661 Yarm Road was a restaurant and is now a Residential building containing 9 apartments and that's why the members have quite rightly so rejected the planning for proposed Car park for being detrimental to the peace and quiet of the residents! Our own transport company could not have made a better argument than S.A.J transport company representing the applicant for this application to be refused. Since they have now proven on there report that there is now going to be a minimum of 550 car movements during the peak time which is going to be detrimental to the safety of the pedestrians.

There still many flaws in this application that have to be considered by the officers regarding actual measurements to the entrance to the proposed car park, notably each and every one of the four plans that have been submitted is different from the previous plan. We wonder how does the size of the land expand each time to accommodate the needs of the applicant!

Last time the application was rejected by the members by a clear majority of 11/1 surely that was a strong indication that this proposed car park is not suitable for this location!

#### J W Latimer, 1A Countisbury Road Norton

There was a dispute of ownership of land reference 14/0278/FUL, which had Stockton BC's professionals indicating that applicant was, in their opinion, correct in its assertion. It is noticeable, in 14/2496/REV, that the applicant may have revised claim of ownership by revising red boundary development line from application 14/0278/FUL to 14/2496/REV.

There is now some more detail on plan, SD.90.01, and it should be noted that the maximum height difference parking level 14.00m to top of adjacent retaining wall 16.20m is 2.2m. The plan has a note "positive drainage is assumed for the paved areas of the car park, however, outfall is undetermined. Sustainable urban drainage systems should be considered". An oil and fuel interceptor will be required in this proposed car park so determination of a suitable outfall is essential. No disabled parking provision is shown, however, two spaces is the minimum requirement. If access into the car park is via a security barrier, it should be useable from the driver's seat of the car, avoiding the need to get out of the car until it is parked. The management of the parking bays should ensure that abuse of the reserved spaces does not occur.

The first reason for refusal of the previous scheme may have been somewhat addressed but reasons 2 & 3 cannot be addressed by 14/2496/REV.

The Transport Statement submitted seeks to address the traffic related reason for refusal. What this Transport Statement fails to look at is a comparison of hours of operation.

#### Previous and Existing Use of No. 661 Yarm Road

3.3.3 The Transport Statement submitted in support of the adjacent residential development, included at Appendix B, set out the likely trip generation of the site prior to the conversion to 9 executive apartments, this is summarised below:

- Restaurant – licensed for 210 people including 60 diners, between 11 am and 1 am, seven days a week. This equates to 91 trips (13 spaces x 14 hrs / 2hr duration)

- Deliveries of food and drink by commercial vehicles generating up to 10 commercial vehicles per day.
  - 60 no. taxi visits a day associated with customers using the bar facilities only.
  - 20 no. staff trips per day as a result of the 10 staff employed on a two shift system.
- 3.3.4 The above demonstrates that the previous use of the site generated approximately 181 vehicle trips per day at the junction of the site access with the A67, Yarm Road. This was agreed by the local highway authority.

3.2.4 Due to the proximity of the adjacent residential properties it is proposed that the car park will only operate between 07:30 and 18:30.

3.3.9 Taking the above into account it is anticipated that each space within the proposed car park would be used about 1.5 times a day i.e. half the spaces would only be used once a day and the remaining spaces twice per day. This results in an additional 102 daily turning trips (51 in and 51 out) at the junction of the site access with the A67 Yarm Road.

3.3.5 The Transport Statement also states that the approved use as 9 executive apartments, which is now in fully open, would generate approximately 64 trips per day.

Yarm is a recognised magnet for night time leisure activity and this fact applies to the previous use as bar and restaurant which had stated opening times of 11.00 to 01.00, i.e. 14 hours with the busiest time, night time leisure activity, after the closing time of the proposed car park, i.e. 18.30. 11.00 to 18.30 = 7.5 hours, 18.30 to 01.00 = 6.5 hours.

It is safe to assume that almost all of the 64 per trips per day will occur at the same time as the proposed car park is open so that the overall proposal seems to be 166 trips per day 07.30 to 18.30.

It is also safe to assume that most of the former bar and restaurant use would occur after 19.00. Taking a conservative 50% of 181 results in a theoretical like for like comparison of 91 versus 166 trips during hours of 07.30 to 8.30., an increase of 82% (severe effect) set against a claimed reduction of 8%.

Planning committee members should stand by their previous conviction.

Som Emadi, Flat 5, 661 Yarm Road

I would like to object to this application again.

The application hasn't been changed much since the last version and I think this is bordering on an insult to the council's decision making that this has been resubmitted. I attended the last hearing and the councillors made it clear that this application was "shrouded in mystery" and I don't believe that this application has made it any clearer as to the true motivations of this application.

The proposed scheme is dangerous to pedestrians.

It increases the traffic going past my apartment ten-fold. I park in my assigned car park space adjacent to my apartment - flat 5, 661 Yarm road, ts16 0jf and crossing this road with my 2 year old baby and 15 week old baby would be dangerous with this extra car traffic.

Don Axtell, 1 The Crescent Carlton

I object to the above application, based on the amount of times per week I visit Yarm and park my car in that car park. This is based on the following reasons:

The increased traffic and danger to pedestrians

Suspicion that the road to the rear of the proposed car park will lead to further development

Disturbing residents

Width of road is too narrow on access point

Hannah Steel, 610 Yarm Road Eaglescliffe

I would like to object with reference to the following pointers

Increased traffic and danger to pedestrians

I have suspicions that the development proposed of the car park will lead to further developments.

Disturbing local residents.

Mehdi Neshaf, 661 Yarm Road Eaglescliffe

Object due to having an apartment next to the site on grounds of noise, security and lots of other issues which will arise, especially at night when the car park is not in operation. Who will police this. This car park will have problems during the day as well. It has already been refused and should stay that way.

### **PLANNING POLICY**

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

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

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

#### ***National Planning Policy Framework***

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

For decision-taking this means:

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

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

#### ***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.
2. 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:

- (iii) It can be shown that the loss is not detrimental to the character or appearance of the conservation area; or
- (iv) The structural condition renders it unsafe; or
- (v) 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:

- (vi) An investigation of the site has been undertaken; and
- (vii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (viii) 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:*

*Level Valley  
Tees valley  
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**

15. Planning 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.
16. 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 a Green Wedge, the main issues to consider revolve around the schemes impact on these designations. These and other material planning considerations are considered as follows;

### ***Principle of Development***

17. 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 centre, it is located within reasonable walking distance to serve the purpose of providing long stay parking for users of the centre and is therefore considered to be an acceptable use in principle in this area.
18. 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***

19. The proposed car park would utilise the existing access off Yarm Road which splits to serve an existing car park serving the apartment block and a smaller parking area to the front of the apartments and which continues along the side of the apartment block into the application site. A footpath runs along the northern side of the access road and onto Egglecliffe Village.
20. A number of objections have been raised about the impact of the increase in traffic at this junction, the adequacy of the access in terms of its width, its proximity to other car park accesses associated with the apartment block and in respect to pedestrian safety associated with the footpath which runs adjacent to the northern side of the access road.
21. Objection has been raised about the safe access and egress from Yarm Road and the problems of leaving the site when there is standing traffic on Yarm Road which objectors consider will restrict visibility at the junction and they indicate problems associated with there being other accesses along this section of Yarm Road serving the Blue Bell PH and Aislaby Road. 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 / commercial vehicles and that it is adequate for the proposed use.
22. An objector has indicated that the previous report from the Head of Technical Services stated a minimum distance of 11 metres is required from the give way point to the front of the apartment block and that this distance was only 7.9 metres on the refused scheme and has been reduced to 6 metres on the revised scheme which he considers would have an

even more detrimental effect on the safety of pedestrians and cars. The Head of Technical Services reference on this matter relates to a distance for forward visibility from the give way point in relation to the highway and has indicated that 13m can be achieved. Although the corner of the apartment block is approx. 8m away from the likely position of a driver sat at the proposed give way markings in the car park, and that pedestrians may walk across the access road from a position adjacent to the front of the apartment block, this is no different to many relationships between footpaths at road junctions, in addition to which, traffic leaving the car park is likely to be at very low speed due to the nature of the highway arrangement. In view of these matters, it is considered that this matter does not unduly affect highway or pedestrian safety.

23. Objectors have raised safety concerns over the use of the pedestrian footpath which lies to the north of the site and which runs adjacent to the car park access road and pedestrian access and egress to and from the apartment block, suggesting that there is poor visibility at these points. 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. The Head of Technical Services considers there is adequate roadway within the access to not require cars to drive over the footpath. The plans also detail a replacement pedestrian chicane detail to serve the existing footpath at a point near to the car park access. This lies outside the site and as there is currently one in position, there is no specific requirement from a planning perspective for this to be replaced. However, should the applicant wish to undertake this in any event, which would improve the appearance of the existing feature, this matter would need to be undertaken in agreement with the Highways Authority. An informative is recommended to address this matter.
24. For users of the car park to access Yarm centre, they would have to navigate through the car park, onto the public footpath and then utilise the existing footpaths which link the site to Yarm Centre. Although pedestrians will have to walk within the car park to get to the footpath, this is how many car parks operate and both motorists and pedestrians are expected to use care when navigating their way around. Importantly, a footpath is provided at the edge of the car park to allow safe passage for pedestrians from the car park.
25. Objection has been raised that the proposal will increase traffic levels which will compete with the traffic already entering and existing the existing car parks serving the apartment block. Whilst noted, in view of the limited scale of the proposed car park and reasonable visibility being achieved for vehicles entering and exiting, as well as for pedestrians, and in view of vehicle speeds being likely to be particularly low, it is considered that there would be no undue risk in this regard.
26. Objectors have highlighted that the site should provide disabled parking spaces in line with policy and that should access into the car park be via a security barrier, it should be useable from the driver's seat of the car, avoiding the need to get out of the car until it is parked. There is no barrier proposed as part of the car parks operating whilst there are no disabled parking spaces shown within the car park which is considered acceptable as Yarm centre is the more appropriate place where much shorter pedestrian travel distances exist.
27. An objector has highlighted that if the applicants Transport Statement indicates that the former restaurant / River Lounge had 180 car movements associated with it per day (having only had 11 car park spaces associated with it), the proposed 34 space public car park must have a proportionate number of car movements associated with it, i.e. 550 per day. This is not considered to be the case as they are two very different uses.
28. Objectors have also raised concerns over the accuracy of the submitted plans, however, officers are satisfied that they are accurate and what is therefore shown on plan is achievable on site.

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

29. The site is not readily visible from Yarm Road, although clearer views exist from the opposing side of the River Tees from positions to the rear of Yarm Town Centre. Currently, tree and scrub cover (when in leaf) screens the majority of the site and building which sit within the landscaped river bank. The proposal will reduce the amount of existing cover and increase the car park surface to the east and south which would serve to make the site more visible in the wider context.
30. The proposed scheme requires levelling works to create the extended hard surfacing and retaining features are proposed to the north eastern, eastern and south western edge of the car park to deal with changes in level. The scheme has been revised since the determination of the earlier application to retain some trees along the northern boundary and add new shrub planting which in places will be up to 4m in depth. The large mature trees beyond the northern boundary would remain in place to form a backdrop to the car park. In addition, following the proposed re-grading works to the eastern and southern sides of the site, relatively significant planting works would take place around the periphery with smaller scale planting within the car park, along the western edge and adjacent to the apartment building. 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 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 designations***

31. The site is 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 Policy 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 and its loss is accepted in this regard.
32. As well as being within a conservation area, 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.
33. Whilst the surfacing and use as proposed by this application is generally at odds with the green wedge policy, in view of there being only a limited amount of 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 the development into the landscape, 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 long term 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.

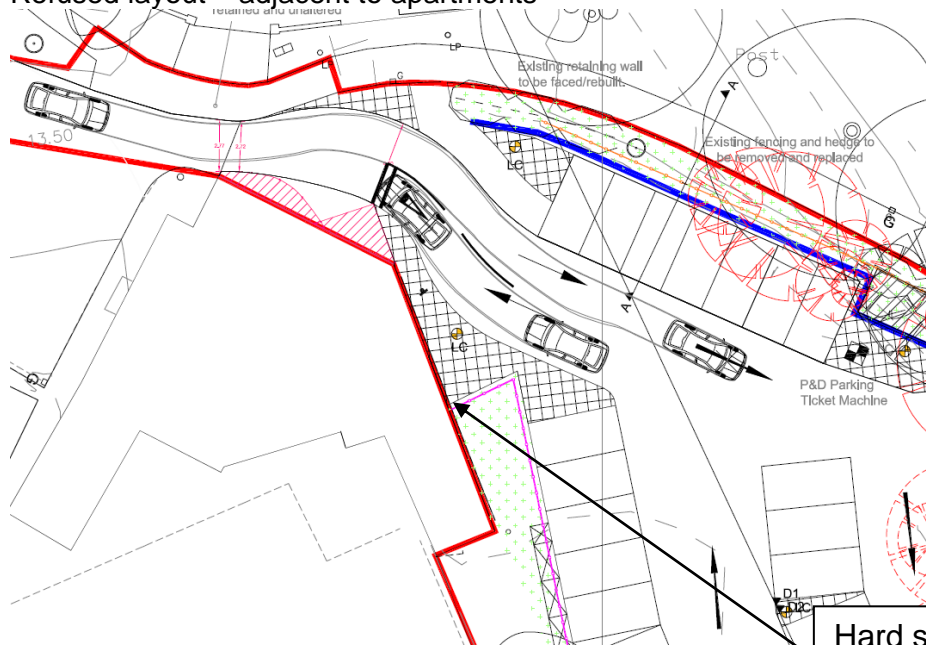
34. The southern section of the site is also within a 'Special Landscape Area' as designated by saved Local Plan Policy EN7. This policy advises that development which harms the landscape value of the Tees Valley will not be permitted. At this point along the river bank, there is already built form and hard surfacing associated with the public house, apartments and the existing workshop building on the application site. 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 which would allow the landscape value of this part of the Special Landscape Area to remain in-tact.
35. 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.
36. 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 viable 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.
37. 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.

***Impact on residential amenity and privacy***

38. The application site lies immediately adjacent to and shares an access off Yarm Road with an apartment block. The Blue Bell Public House is also adjacent, having its car park and beer garden along the common boundary with the pub building set slightly further away. There are no other properties in sufficient close proximity to the site for the proposed use to have any notable impact on their privacy or amenity. The impact on residential amenity was one of the reasons for refusal previously put forward by planning committee and objection has been raised to the revised scheme in respect to increase in noise levels and pollution for occupiers of the apartments, the suggestion that the car park will be an eyesore from the view currently gained from the apartment windows and that the scheme will de-value the apartments. The right to a view and the de-valuation of property is not a material planning consideration but other relevant considerations of privacy and amenity are addressed below.
39. In making a recommendation to approve the earlier proposal, officers advised that the proposed car park would have a detrimental impact on the windows within the apartment block due to their close relationship, although recognised that there was a small degree of separation between windows and the operational part of the car park, that the site has an existing use and uncontrolled hours of use and that windows at 1st and 2nd floor levels within the apartment blocks would be impacted upon to a lesser degree by visible movement. In view of these matters, officers considered the detrimental impact would not be so significant as to warrant refusal of the application.
40. This revised scheme has reduced parking numbers, increased separation of parking and hard surfacing from windows within the apartments and also seeks to provide planting in

between. The illustrations below demonstrate the changes between the refused and proposed schemes which give much greater spacing between the apartment windows and the operational part of the car park and would therefore achieve a notable improvement from the previous scheme. A condition is recommended to prevent future expansion of surfacing into this area in the future to retain this benefit long term.

### Refused layout – adjacent to apartments



### Current Proposed Layout



Hard surfacing replaced with shrub planting and access road moved further away from rear of building.  
 Parking moved to end of apartment block.

- In view of the close relationship between the two uses, control over the extent of the hours of use for the car park are considered to be necessary to prevent an unreasonable impact on residents early in the morning or late in the evening, an approach supported by the Councils Environmental Health officer. A condition is recommended to limit hours of use between 7.30 am and 6.30pm. Should out of hours use and noise associated with this become a problem, the Councils Environmental Health would be unable to take any action

as it would be an approved use. As such, a controlling condition to deal with this is recommended. Similarly, 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 controlling this will assist in limiting impacts on residents. A condition is recommended to control the precise positioning of columns, light types and shielding.

42. Taking into account the limited extent of traffic anticipated within a small long stay car park, reasonable spacing of the operational part of the car park from apartment windows, limited hours of use and there being an existing use of the site with uncontrolled hours, it is considered that the proposed scheme would not unduly affect privacy or amenity sufficiently to warrant refusal.
43. Objection has been raised against the revised scheme on grounds of noise and security which residents consider will occur at all times of the day and night. It is considered that this will be addressed by the hours of use whilst security will be improved through the CCTV proposed.
44. Although windows within the adjacent apartment block abut the application site, the car park spaces are set away from these within 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.

#### ***Other Matters***

45. The Councils Environmental Health Unit has requested a condition be imposed limiting construction hours for the site and in view of it being adjacent to residential properties and their associated windows, this is considered appropriate.
46. Objections have been raised that the scheme will allow vehicular access to the river bank and objectors are concerned that this could lead to further development in the area. Currently, 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 wider area of land. A vehicular access shown on plan allows for the maintenance of this land but would not formalise a different use of the land as this would require a separate consent. A condition has been recommended to clarify this point and prevent ambiguity in the future.
47. Tees Archaeology has sought to make no comments about this submission. Their previous comments indicated that the works relate to a small site where the land is already hardstanding and consider it to be unlikely to have a significant impact on archaeological remains. In view of these matters, the proposal is considered to accord with the principles of saved Local Plan Policy EN30.
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 suitable within this flood zone.
49. An objector has highlighted the levels detailed on the submitted plans and indicated that positive drainage is assumed for the paved areas of the car park and that outfall is at the moment undetermined and that sustainable urban drainage systems should be considered along with the need for an oil and fuel interceptor. The development should not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites and 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. A condition is recommended to address this.

50. Objectors have indicated that the site is currently used by cubs and scouts, with the building offering storage for canoes and the site giving access from it down to the river. Whilst such a use is a positive one on many levels, they operate from a site owned by someone else and the loss carries little weight in determining this application, particularly as permission has already been granted for the demolition of the building on site and that the site is not designated for a sport and recreation use.
51. 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, with the ability for the new planting to re-provide in part for such benefit.
52. The Councils Environmental Health Unit Manager 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. A further condition is recommended by the Councils Environmental Health Unit Manager relating to unexpected land contamination and a precautionary approach is taken in this regard with an appropriate condition being recommended.

### **CONCLUSION**

53. 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 having addressed the reasons for refusal relating to the previous proposal. 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. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

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

### **WARD AND WARD COUNCILLORS**

Ward Eaglescliffe  
Ward Councillors 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:

Planning History