

**DELEGATED**

**AGENDA NO 7  
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**

**UPDATE REPORT**

***Additional Information received***

Additional comments have been received in respect to the application and these are summarised below;

Shirley Emadi, 136 Low Lane, Brookfield, Middlesbrough

It is indicated that the management of the car park is to be the responsibility of Stockton Borough Council and query is raised whether financial benefits of the car park would go to SBC. Details of the agreement should be made public as part of this application so it can be scrutinised by interested parties. It is considered that the application is shrouded in secrecy and the council should be open with query being raised against the relationship between the applicant and the council. The letter of objection was submitted along with a statement from a transport consultant which suggests that;

- there is no evidence submitted as part of the application demonstrate the likely usage of the car park,
- no assessment of queuing at peak times into or out of the car park,
- that no consideration is given to pedestrian activity from the existing footpaths,
- that pedestrians will have to cross the car park access from a position where there is no visibility of pedestrians from vehicles coming out of the car park,
- that the pedestrian link from the car park to the existing footpath is sub-standard to guidance within the DfT document inclusive mobility (2002) and the councils own standards,
- that there is insufficient land to achieve the access into the site,
- that the access from the southern site boundary for farm machinery would also need to navigate the access without prejudicing safety for pedestrians and other users which it cannot do
- the 1 in 4 gradient proposed after the access gate is unsuitable for farm machinery,
- Motorists leaving the site will try to be perpendicular to the road and this will block the access.
- There is no disabled spaces contrary to council guidance,
- The Stopping Site Distance of 12m as detailed takes this past the footpath link which emerges from the side of the apartment block which will prejudice pedestrian safety.

Mr Latimer, 1a Countisbury Road, Norton

Submitted separate emails in respect to the application which were also sent to members. These comments include a resume of the previous decision and press reporting's of the committee dialogue and outcome. The claim that an extant permission allows HGV use of the site is incorrect because of ownership limitations and extant permission should not feature in current deliberations and any reference should be ignored by members. The feasibility of this application must be detached from imperatives created by Stockton Borough Council in its borough wide car parking strategy and the Section 106 requirements of the Greens Lane Residential development permission (12/1990/EIS) because if not, the possibility of self-interest cannot be avoided.

The proposal should not be allowed to set aside disabled parking requirements and the council should not argue that this car park is an extension to facilities elsewhere and that its disabled obligations are met in those facilities elsewhere. The scheme does not provide electric vehicle charging points as required by the Greens Lane Section 106 Agreement.

Stockton BC has done its utmost to make this car park to fit two purposes to fulfil its own undertakings in Yarm with regard to the Borough Wide Parking Strategy and allow itself to acknowledge discharge of the Section 106 Agreement associated with 12/1990/EIS.

Michael Kitching SK Transport Ltd (on behalf of Mr Emadi)

Details sent directly to planning committee members and the planning case officer.

Claiming that their formal objections to the original planning application have largely been ignored by both the applicants and also the Council's highways and planning officers when preparing the Committee report. Further indicating that having reviewed the latest submission and the Council's committee report that objection is still raised suggesting the council have chosen to ignore the access, disabled parking provision, and gradient deficiencies with the scheme. Plans have also been submitted which the objector considers highlights the deficiencies with the scheme and also demonstrates that the access past 661 Yarm Road is compromised by the physical width of the land controlled by the applicant and further indicates that, as shown in the swept path analysis provided by SK Transport, that two cars cannot pass on this link with standard width estate cars and 4x4 vehicles.

SK Transport have referred to Manual for Streets and its requirements for consideration in respect to carriageway widths. Comment is also made about the applicants claim that the proposed car park will generate less traffic than was the case when a restaurant operated at 661 Yarm Road (the objectors premises) and suggesting that the applicant's assumptions of traffic numbers for this current car park application being based on 50% of spaces used once per day and 50% used twice per day, is not based on any evidence. Notwithstanding concerns over actual traffic numbers using the priority junction (onto Yarm Road), it is suggested that the issue of the access width into the proposed car park and its geometry remains, also indicating that the access is now narrower than when the restaurant at 661 Yarm Road was in existence. The objection considers that the swept path analysis's submitted demonstrate that;

- two private cars cannot pass one another on the access road into the car park;
- inbound cars will need to wait back from the access (18m) at a point where they consider waiting would not occur and if they encroach into this area may have to reverse back to let someone out of the car park;
- Two estate cars trying to pass one another cannot when taking into account wing mirrors;
- When a 7.5 ton panel van uses the access there is no opportunity for any vehicle to enter or exit.
- The reality is that motorists will mount the footway to overcome these problems;

The objection advises that the gradient from the car park down to the river is far steeper than advised as being suitable in the councils design guide.

### **Material Planning Considerations**

#### ***Car park management and ownership***

To clarify the operational arrangements of the proposed car park, the application has been made by the site owner and it is understood that they would look to implement the permission were it to be approved. It is understood that the council have looked 'in principle' at managing the car park were it to be approved although no formal agreement has been made at this current point in time. The applicant would be within their rights to manage the car park themselves or do so via an alternative third party management agreement. In making a recommendation to the proposal, from a planning perspective, it is important to have certain management controls over the scheme to prevent undue impacts on the surroundings as detailed within the main report and a condition requiring an agreed management plan would be required as part of this permission from who-ever seeks to operate the car park, including the council.

Were the council to manage the car park then revenue from it is expected to go to the council for maintenance and other costs such as rates, and services etc, however, and importantly, no such agreement has been made to date between the Council and the applicant and the ownership and management responsibilities are a separate matter to the proper material planning considerations which need to guide the determination of this application.

#### ***Petition relating to loss of building***

The Council have been made aware of an online petition to stop the development of the car park proposed by this application. The petition has in excess of 500 signatures associated with it and is based around the loss of provision for the cubs, scouts, explorers, guides and rangers who access the river for water sports. It is understood that the Cleveland scouts currently store kayak's within the building on site and they objected to the initial application although withdrew their opposition to the planned development following the applicants agent indicating their willingness to assist the scouts in finding another base. The applicant has indicated an option for alternative river access for the scouts although this would need to be undertaken via a private arrangement between the scouts and the applicant. The need to provide such an access as part of this proposal is considered to go beyond the reasonable requirements of control as it would relate to a private arrangement between parties.

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

The additional correspondence from an objector included a statement from their transport consultant, however, this is a copy of the statement submitted in respect to the earlier scheme which was duly considered and does not reflect the changes which have been made to form this current application. Since that submission a further objection letter has been submitted by SK Transport on behalf of Mr Emadi and the Head of Technical Services has considered this as follows;

The access has been altered slightly with the 'Give Way' line being moved forward (towards Yarm Road) to improve forward visibility and allow for a car existing the car park to be position perpendicular to the 'Give Way' markings therefore improving the entry path for a vehicle travelling from Yarm Road into the car park. The swept path analysis, submitted by SK Transport, does demonstrate that two vehicles cannot pass on the access road but the analysis supplied is not appropriate for the proposed access arrangements as set out below.

- a) two moving vehicles using the access as a two way road - as the access is configured for single file traffic with priority given to vehicles entering the car park this is not considered a realistic representation of the proposed vehicle movements.
- b) a vehicle exiting the car park passing a vehicle waiting to enter the car park – again as priority is given to vehicles entering the car park this is not considered a realistic representation of the proposed vehicle movements.

A swept path analysis has also been provided, by SK Transport, for the proposed access which shows, when used as intended, two vehicles can pass each other. The applicant has also undertaken swept path analysis of the proposed access arrangements and this also confirms that, when used appropriately, two vehicles can pass each other. The Head of Technical Services advises that swept path analysis, due to the nature of the software and what it is trying to demonstrate, is inherently conservative and as such is designed to give a 'worst' case scenario and would therefore take account of wing mirrors.

With regard to disabled parking provision and appropriate gradients. This car park was never intended to provide disabled parking and as such the points raised are not relevant. Adequate disabled car parking is provided within Yarm town centre and it is assumed that disabled drivers would use this instead.

The Head of Technical Services has confirmed that no evidence of the figures for the trip generation associated with the proposed car park has been provided by the applicant, however as a long stay car park it is not anticipated that users will make frequent journeys during the working day and that the assumption put forward by the applicant is considered to be reasonable based on the proposed use.

With regards to concerns raised about a 7.5 ton van accessing the car park, the Head of Technical Services has advised that the proposed car park access is designed to be used by cars and not HGVs. On the limited occasions when a 7.5T panel van is using the access drivers would have to act appropriately as they would in any similar situation.

In view of these matters, when used appropriately, motorists will not mount the footway and subject to land ownership it may be possible to place a bollard on the northern side of the proposed access, within the verge, to prevent this occurring should it become an issue.

With regards to concerns over the land gradients proposed to the south of the car park leading to the river, this is for occasional use and is intended to provide access for agricultural vehicles and whilst it does not comply with the Council's design guide it is considered appropriate for the intended use. It is also worth noting that the proposed access to the river is private and therefore the standards set out in the Council's design guide are not applicable.

### ***Other matters***

Objection has been raised that the scheme does not meet the requirements (for application 12/1990/EIS) in relation to the Greens Lane Housing Scheme as detailed in the Section 106 Agreement as there are no electric vehicle charging points. It is not a requirement of the application currently under consideration that it discharge the parking obligations in respect of the Green Lane scheme. That is a matter for the applicant and owner of the Green lane site. Should the owner of the Green Lane site wish to rely on the permission, if granted, to discharge the car parking obligation in the s106 agreement for that site mechanisms exist for charging points to be either added at a later date, to be provided elsewhere or for alterations to the agreed S106

Agreement subject to the agreement of the local planning authority. . This proposal is therefore being considered as submitted on its own merits.

The main report details that the application was for a 36 space car park although should read 34 spaces. This makes no difference to the considerations of the main report.

On the matter of the use of the site, for the sake of clarity, it is understood that the site has previously been used as a haulage yard but this was a significant time ago and has since been used for storage associated with farming and for the storage of kayak's although permissions do not exist for the later uses. The current site use (in planning terms) could only be established through evidencing the historic use of the site over an extended period of time although all past uses are considered to be of a commercial / storage nature which is what the considerations of the main report are based on. It is not lawful to disregard extant permissions which are material planning considerations.

### **Conclusion**

The additional letters of objection and points raised do not affect the recommendation made within the main report and the proposed car park remains to be considered and recommended for approval in accordance with details within the main report.

**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 as there are no formal agreements in place relating to the council managing the car park. Were the council to enter into such an agreement then the council would be likely to have some financial responsibilities for the car parks operation and condition.

#### 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 others have 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