

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**25 MAY 2016**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**15/2082/FUL**

**Land East Of 2 Bentley Wynd, High Street, Yarm**

**Construction of 20 bed boutique hotel and related bar and bistro and creation of vehicular access.**

**Expiry Date: 26<sup>th</sup> May 2016**

### **SUMMARY**

Planning permission is sought for the erection of a 20 bedroom boutique hotel and bar/ bistro. The proposal is on the site of the former Campbell's tyre depot in Yarm Centre which has been a vacant plot for in excess of 10 years although which has an extant permission on the site for a Café/Bistro with 3 residential flats above.

A number of objections have been received which, in the main, suggest the proposed building is out of scale for the area, will increase traffic and parking requirements in an area where demand is already high, will result in inappropriate vehicle manoeuvres within the area, will unduly affect the adjacent listed building and will result in an increase in anti-social behaviour in the immediate area by bringing the evening economy from the central area of Yarm to this end of the High Street. A number of supporting comments have been received suggesting the building will be a valuable addition to the High Street, that the hotel is a needed addition which will support local businesses and that parking can be catered for within the centre.

The hotel and bar / bistro would serve to support one another although are intended to be open to visiting members of the public. The previous café/bistro approved at the site had its opening hours limited to 8pm based on concerns that opening later would result in the evening economy within the central area of Yarm spreading to the southern end of the High Street where there is a quieter, more residential character. An earlier application to extend the opening hours of the approved café/bistro (to 11pm) was refused by the Local Planning Authority, and the associated appeal was subsequently dismissed, for similar considerations.

This proposal seeks to open the bar / bistro until 11pm and in view of the previous applications and appeal, officers have carefully considered the likely impacts of the scheme. Importantly, this proposal is a different offer to that previously approved. Officers consider a hotel with associated bar/bistro which is also open to visiting members of the public would be suitable subject to adequate controls to prevent the bar being a standalone use or a bar / nightclub emerging on the site, which would be likely to result in greater levels of impacts on amenity. Conditions have been

recommended to prevent the premises being used as a bar by visiting members of the public. Controls over servicing and hours of opening area also recommended to protect amenity.

The Highways, Transport and Environment Team have objected to the proposed development on the basis of a lack of parking being provided on site, the nature and intensification of the proposed layby and on other highway related matters. Notwithstanding this, it is considered that the site is in a position which would be well served by existing parking associated with Yarm Centre and do not accept that this use would create significant harm to matters of parking and highway safety and that adequate provisions can be made subject to controlling conditions.

The proposed building is considered to be of a suitable scale for its position on the High Street and although being a large building, would not unduly dominate or affect privacy and amenity of the surrounding properties subject to controls being imposed by condition as recommended. The proposed development is considered to be in accordance with local and national guidance to protect and respect heritage assets including Yarm Conservation Area and nearby Listed Buildings.

The proposal is considered to be acceptable in Flood Risk Terms, Archaeology and other such matters, all subject to works being undertaken in an appropriate manner as controlled by conditions.

## **RECOMMENDATION**

**That planning application 15/2082/FUL be approved subject to the following conditions and informatives;**

### ***Approved Plans***

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
1430/004	21 August 2015
1430/P/001D	7 <sup>th</sup> January 2016
1430/P/002D	7 <sup>th</sup> January 2016
1430/P/003E	7 <sup>th</sup> January 2016
1430/005	21 August 2015
1430/006	21 August 2015

*Reason: To define the consent.*

### ***Archaeology***

02 *Recording of a heritage asset through a programme of archaeological works*  
a) *No development, including the lifting of the hardstanding, shall take place/commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for post investigation assessment*
- 3. Provision to be made for analysis of the site investigation and recording*

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No site works / development shall take place other than in accordance with the Written Scheme of Investigation agreed in association with (a) above.

c) The development shall not take place until the site investigation as taken place and shall not be brought into use until the post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation agreed in association with (a) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to ensure adequate recognition is made of Archaeological remains in accordance with saved Local Plan Policy EN30 and the National Planning Policy Framework paragraphs 133 and 141.

#### **10% Renewables or fabric first**

- 03 Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials (fabric first approach). The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of promoting sustainable development in accordance with the requirements of Stockton on Tees Core Strategy Policy CS3(5) Sustainable living and climate change.

#### **Flood Risk Measures**

- 04 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) R3312 Rev 0), including the following mitigation measures as detailed within the Flood Risk Assessment:
- Finished floor levels are set no lower than 7.01m above Ordnance Datum (AOD) as discussed in section 5.2.
  - Flood resilience measures described in section 5.4 are incorporated into the building design.

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

Reason: In order to reasonably limit the risk of flooding in accordance with the guidance contained within the National Planning Policy Framework.

#### **Flood Evacuation procedure report**

- 05 The building hereby approved shall not be brought into use until a Flood Evacuation Procedure has been submitted to and approved in writing by the Local Planning Authority.

*The scheme shall detail necessary measures to be in place to support the operation of the use and detail the procedures for evacuation in the event of flooding / flood warnings being issued. The uses within the building shall operate in accordance with the approved scheme.*

*Reason: To take account of the sites location within Flood Zone 3 and limit the impacts of flooding on the public.*

**Surface Water Drainage**

- 06 *No development hereby approved shall commence on site until a scheme of surface water management has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and subsequently maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.*

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with PPS 25: Development and Flood Risk.*

**Odour Nuisance**

- 07 *Prior to above ground works commencing on site, a scheme of ventilation and fume extraction, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment shall be submitted to and approved in writing by the Local Planning Authority.*

*The approved scheme of ventilation and fume extraction shall be installed before the development is brought into use and thereafter be retained in place for the lifetime of the use in fully working order in full accordance with the approved details and shall be maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.*

*Reason: In order to prevent undue odour nuisance to surrounding premises.*

**Bar / Bistro - Hours of Use - Access and Egress**

- 08 *The ground floor bar / Bistro hereby approved shall be restricted to opening between the hours of 09:00hrs to 23:00hrs Monday to Sunday.*

*Reason: In order to limit the impacts of the proposed development on the amenity of surrounding residents in accordance with the guidance contained within the National Planning Policy Framework paragraph 17.*

**Limitations of the use**

- 09 *The sale of alcohol within the premises must accompany the serving of table meals and / or be to residents of the hotel. The bar use hereby approved shall only be available to residents of the Hotel and not to visiting members of the public.*

*Reason: In order to ensure that the premises primary use is a hotel and bistro/bar and to prevent the premises being a stand-alone bar in the interests of protecting residential amenity late in the evening in accordance with the guidance contained within the National Planning Policy Framework.*

**Bar / Bistro Refuse Management**

- 10 *The premises hereby approved shall be operated in accordance with a refuse and storage management plan which has first been submitted to and agreed in writing by the Local*

*Planning Authority. The approved refuse and storage management plan shall detail matters including how refuse, kegs and other waste is contained within the premises and methods of storage, and disposal, in particular relation to bottle bins.*

*Reason: In order to limit the extent of noise emitting from the premises in the late evening / early morning in the interests of residential amenity, in accordance with the guidance of the National Planning Policy Framework paragraph 17.*

**Parking – In perpetuity**

- 11 *The parking shown on the approved plan shall be provided and brought into use prior to the development hereby approved being brought into use and shall remain as available parking for the lifetime of the development.*

*Reason: In order to limit the impacts of the development on the parking in Yarm centre and provide for the demands of the scheme.*

**Provision of Layby and Access**

- 12 *Notwithstanding the plans hereby approved, the development shall not be brought into use until a lay by has been installed on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a traffic regulation order within the immediate vicinity of the scheme if required.*

*Reason: In order to ensure adequate provision is made to serve the development and to prevent undue traffic impacts for other road users.*

**Lay by - Management**

- 13 *The commercial use hereby approved shall not commence until a scheme of controlled management for the layby has been implemented on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to defining the timing of use by service vehicles.*

*Reason: In order to ensure adequate servicing provision is achieved for the development and prevent unnecessary manoeuvring within the surrounding highway environment in accordance with the principles of the National Planning Policy Framework and to prevent undue impacts on residential amenity in accordance with the requirements of the National Planning Policy Framework.*

**External detailing**

- 14 *Notwithstanding the details included on the plans hereby approved, a scheme of external detailing shall be submitted to and approved in writing with the Local Planning Authority before each of the elements is installed / constructed on site. The specification details shall include details of materials, dimensions, colour and any other relevant specifications. The scheme shall include all external detailing, including but not restricted to;*
- a) All windows within the elevations of the building including depth of recess;*
  - b) All external doors and their surrounds,*
  - c) All rooflights,*
  - d) All rainwater goods including their method of fixing;*
  - e) Verge details*
  - f) Bricks, render and roof tiles,*
  - g) Decorative brickwork and stone work including chimney details*
  - h) Hard landscaping including internal roadway, parking and paths,*
- The approved scheme of external detailing shall be incorporated into the scheme.*

*Reason: To ensure the building is appropriate in form and appearance for its setting within Yarm Conservation area in accordance with the requirements of saved Local Plan Policy EN24.*

**Levels**

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

*Reason: To take into account the prominent position of the property and prevent undue impacts on both residential amenity and the character of built form in the area, in accordance with saved Local Plan Policy EN24 and the National Planning Policy Framework.*

**Retention of boundary walls**

- 16 *Notwithstanding details hereby approved, the boundary walls to the southern and western boundaries of the site shall be retained in their current form.*

*Reason: In order to retain adequate levels of privacy for the adjoining premises and to prevent undue impact on the historic fabric in accordance with the guidance of the National Planning Policy Framework.*

**Construction Working Hours**

- 17 *No construction/building works or deliveries associated with the construction phase of the development 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 in accordance with the guidance contained within the National Planning Policy Framework.*

**Light Intrusion**

- 20 *There shall be no external lighting at the site other than in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority. Any submitted scheme shall be designed so as to prevent lights shining into or towards surrounding residential properties and shall be of an intensity which is suitable for the sites location.*

*Reason: In order to prevent undue impacts on the living conditions for nearby residents.*

**Windows – obscure glazing**

- 21 *Windows in the North, South and Western elevations of the building hereby approved shall be obscured in accordance with a scheme which has first been submitted to and approved in writing with the Local Planning Authority. The agreed scheme shall remain in place for the lifetime of the uses hereby approved.*

*Reason: In order to limit the impacts of the proposed development on the amenity of surrounding residents in accordance with the guidance contained within the National Planning Policy Framework paragraph 17.*

**Contaminated Land Survey**

- 22 *Notwithstanding details hereby approved, no development shall commence on site until the following have occurred:*

a) An investigation which includes the following steps: -

- Phase 1a Risk Assessment - hazard identification which includes desk study and site reconnaissance
- Phase 1b Risk Assessment - hazard assessment which includes additional desk study and exploratory site investigation
- Phase 2 Risk Estimation and risk evaluation - staged intrusive site investigation
- Submission of the Conceptual Environmental Risk Assessment to be approved by the Local Planning Authority
- Site remediation as necessary
- Validation of remediation scheme

Details of the investigation referred to in (a) above shall be submitted to and approved in writing by the Local Planning Authority. If the Local Planning Authority advise the applicant in writing within 6 weeks from the submission of the investigation outcomes referred to in (a) above, that the site may have a contaminative use or is likely to be contaminated [as defined in section 57 of the Environmental Protection Act 1990 with respect to the proposed use] a site investigation including a risk assessment report shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report should include results of analysis and exposure risk assessments carried out on soil.

Full details of the proposals for the removal, containment or treatment of any contamination and remediation of the site shall be submitted in writing to the Local Planning Authority in a reclamation statement. No works shall commence on site until the reclamation statement has been approved in writing by the Local Planning Authority, undertaken on site and a validation report been submitted to and approved in writing by the Local Planning Authority which demonstrates works having been carried out in accordance with the validation scheme.

*Reason: In view of the former use of the site, in accordance with the requirements of Core strategy Development Plan Policy CS10.*

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### ***Informative 1: Working practice***

*The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.*

## **BACKGROUND**

1. 00/1358/P  
Conservation area consent for demolition of garage buildings  
Withdrawn 2nd October 2003
2. 00/1359/P  
Erection of a two and three storey bar/restaurant and Associated car parking  
Withdrawn 17th September 2003
3. 06/3255/CON

Conservation area consent to demolish garage buildings to allow proposed 3 no. storey block containing retail space with ancillary offices and associated car parking  
Approved 15th January 2007

4. 06/3256/FUL

Erection of 3 no. storey block containing retail space with ancillary offices and associated car parking (demolition of existing garage buildings)  
Withdrawn 4th April 2007

5. 07/1962/REV

Revised application for demolition of existing garage buildings and erection of 3 storey building comprising cafe/bistro on ground floor with 3no. apartments above and associated car parking.  
Approved 21st September 2007

6. 08/1290/APC

Application for approval of details reserved by condition nos 3, 7 and 8 of 07/1962/REV  
Approved 31st July 2008

7. 09/2958/VARY

Application to vary condition no. 12 of planning approval 07/1962/REV to allow the cafe/bistro on the ground floor to remain open until 23.00hrs Sunday to Thursday and 24.00hrs on Fridays and Saturdays.

Refused 25<sup>th</sup> Jan 2010 for the following reason;

- a. *In the opinion of the Local Planning Authority, the extension to the approved hours of opening for the premises would result in undue detrimental impacts on privacy and amenity associated with surrounding residential properties due to the introduction of additional pedestrian movements, associated traffic and noise during the later evening hours and early hours of the morning at a site which is located away from the main night time economy associated with the defined Yarm Centre, this being at a time when residents in such a location should be able to expect a reasonable degree of privacy and amenity. The proposal is therefore considered to be contrary to the guidance of saved Policy GP1 of the Stockton on Tees Local Plan.*

Refusal appealed and dismissed.

8. 10/3096/ARC

Application to remove condition no. 10 of planning approval 07/1962/REV which restricted the use to a café/bistro only which would have prevented a permitted change to retail use thereafter.

Approved

The application site was historically in use as a commercial garage (Use Class B2) which was accommodated in a brick garage building, characterised by a pitched roof, with a concrete hard standing area to the remainder of the site. The buildings on the site have since been demolished and only hardstanding remains.

### **SITE AND SURROUNDINGS**

9. The application site lies at the end of Yarm High Street, being a vacant plot with only concrete hardstand areas remaining in place from the sites former use.

10. The application site is bounded immediately to the west by Bentley House, a Grade II listed, 3 storey residential property, with its associated garden area situated to the south of



the site. This property has been recently extended to the side which faces the application site.

11. Yarm High Street runs parallel to the site's eastern boundary, with Bentley Wynd to the north, beyond which is a small vacant plot of land that has planning permission for seven residential properties with associated parking.
12. The surrounding area is characterised by terraces of two and three storey historic commercial and residential properties on each side of the High Street and associated market place parking area.

## **PROPOSAL**

13. Full Planning permission is sought for the erection of a three storey building comprising a bar/bistro (Use Class A3) and hotel (Use Class C1). The bar / bistro and hotel reception are at ground floor with 20 bedrooms provided on the upper two floors. The Café / Bistro would be accessed off the High Street and the Hotel would be accessed off Bentley Wynd having an interconnecting internal door to allow hotel residents to get in and out of the bar / bistro without needing to go outside.
14. The submission indicates that the hotel would operate on a 24 hour basis for visiting guests, 365 days a year and that the café/bistro would be open 7 days a week: from 9.00 am to 11pm daily.
15. Vehicular access to the site would be taken from Bentley Wynd giving access to 4 staff parking spaces. A drop off lay-by is shown adjacent to Bentley Wynd.

## **Consultations**

16. Consultations were notified and any comments received are summarised out below:-

### Town Council

We would like to address the issue with regard to its impact on car parking in Yarm. The proposal is for only four onsite parking spaces for management & staff. Patrons and hotel (20 bed) will have to compete for car parking spaces already in high demand.

What modelling has either SBC or the Developer carried out with reference to the inevitable impact? Has consideration been given to additional onsite provision via possibly an extra storey to provide underground or ground level parking.

We have previously expressed concerns via Richard McGuckin vis the existing Car parking provisions in Yarm and note that a further reduction in Parking opportunities is envisaged with the provision of residents parking. We further understand that a re-run of the NEMS survey begins this month. Whilst not wishing to conflate the issues, each aspect has the potential to have a negative effect on parking provisions.

Yarm Town Council will need to be satisfied that Stockton Officers have mitigated for the construction of the Boutique Hotel and modelled its parking arrangements accordingly.

### Spatial Plans

Policies of relevance to this application which are considered in detail in this response are:

- Core Strategy Policy CS5: Sets out the hierarchy of Town, District and Local Centres. The Core Strategy identifies Yarm Town Centre as a district centre. However, saved local plan policies do not include the site within the boundary of the town centre.
- Saved Local Plan Policy S2: Relates to the tests for major retail development including the sequential and impact tests.

The NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states that development plans adopted under the Town and Country Planning Act should give due weight to *“relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

In this instance, the relevant policies in the Development Plan, as specified above, are consistent with national planning policy where they refer to the sequential and impact test, which remain a key plank of national policy in paragraphs 23 – 27 of the NPPF. In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

Furthermore, paragraph 216 of the NPPF states that from the day of publication weight may also be given to emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF. Therefore policies in the emerging Regeneration & Environment Local Plan relating to town centre uses are also of relevance to this application.

#### The Sequential Test

The proposed uses are identified as main town centre uses within the NPPF. In accordance with paragraph 24 of the framework, the proposal should be considered against the sequential test set out in the NPPF and saved Local Plan policies. This requires the proposal to be directed to sites within Stockton Town Centre and the district centres, then, if there are no suitable or available sites, edge of centre locations. The proposal is located in an edge of centre location. It is noted that a sequential test has been submitted as part of the application.

For sequential site assessments, NPPF paragraph 24 states: *“When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

A previous study of hotel supply, the Tees Valley Hotel Futures Study (2009) considered the needs for hotel rooms across the different hotel market areas in Tees Valley. Given the age of the study and likely changes in circumstances this document is considered to be out-of-date. However, the study has identified the potential boutique hotel development in Yarm.

## Highways Transport and Environment

### Executive Summary

Highways, Transport and Environment objects to the proposed construction of a 20 bed boutique hotel and related bar and bistro and creation of vehicular access as set out below.

The proposed application is for the construction of a 20 bed boutique hotel related bar and bistro, and creation of vehicular access. The application site was previously a tyre fitting garage and benefits from an extant approval (07/1962/REV) for the demolition of the garage buildings and erection of a 3 storey building comprising cafe/bistro on the ground floor with 3 no. apartments above and associated car parking. When considering the planning history of the application site the current proposal will result in a further incremental increase in the demand on car parking, in the vicinity of the proposed development, when compared to the previous use.

This application would have a detrimental impact on the safety of other road users, which is considered to be severe and therefore unacceptable.

The parking provision for the proposed development is considered to be inadequate. This would result in an additional demand on the on street parking provision, within the vicinity of the proposed site, and have a detrimental impact on other road users which is considered to be severe and therefore unacceptable. The location of the proposed 'drop off' layby is also considered to be unsafe and could be used for indiscriminate car parking and taxi waiting, both of which are undesirable in this location.

Whilst the proposals demonstrate a building height that is representative of the form and nature in which the buildings step from 3 storeys in the middle of the High Street, to 2 storeys as progression is made towards the two ends, any redevelopment of this gateway site must include public realm enhancements.

### Appendix 1 – Detailed Comments Highways Comments

The proposed application is for the construction of a 20 bed boutique hotel, related bar and bistro, and creation of vehicular access. The application site was previously a tyre fitting garage and benefits from an extant approval (07/1962/REV) for the demolition of the garage buildings and erection of a 3 storey building comprising cafe/bistro on ground floor with 3 no. apartments above and associated car parking.

The applicant has submitted a Technical Note prepared by HY Consulting (Proposed Hotel, Bentley Wynd, Yarm – Technical Note – 16052 / April 2016) in relation to the parking and visibility requirements associated with the proposed development. The comments below have been updated to take account of the information presented within the Technical Note.

### Layout

The proposed site layout is shown on drawing ref. 1430/P/001C.

The site access is proposed to be taken from Bentley Wynd immediately adjacent to number 2 Bentley Wynd. Due to its proximity to this property, the visibility available to the west when measured from a point 2.4m back from the edge, was previously considered to be sub-standard.

The Technical Note submitted proposes that the visibility could be reasonably measured from a point 2.0m back from the edge of carriageway. This would be in accordance with the requirements of Manual for Streets which states that "*a minimum figure of 2m may be considered in some very lightly-trafficked and slow-speed situations, but using this value*

*will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered".*

Highways, Transport and Environment consider that Manual for Streets guidance and using assessment speeds of 20mph is the correct design criteria to assess this access, therefore with a visibility splay of 2m x 23m any vehicle exiting the proposed site, should be clearly visible from a vehicle entering Bentley Wynd at its junction with the High Street. The proposed access arrangements are therefore considered acceptable.

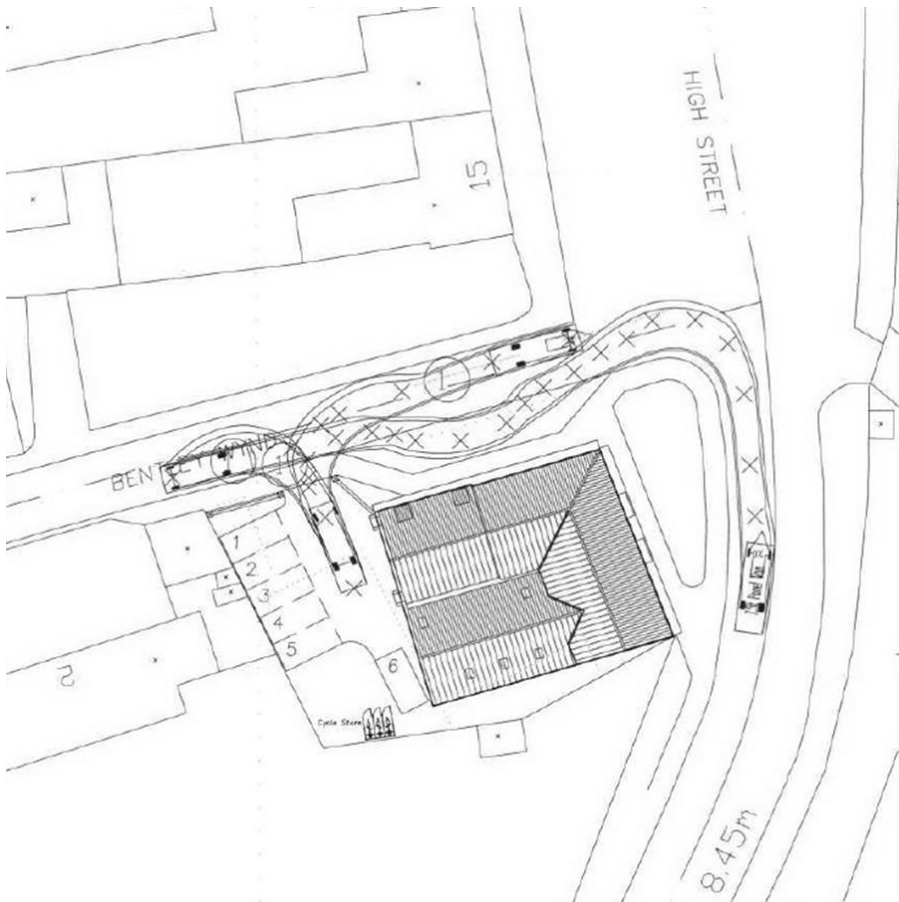
It has not been defined how refuse and other hotel services will be made from the proposed development. The proposed store room which has direct access onto Bentley Wynd could be used for this purpose, however, this could lead to storage of bins and kegs on the footway which would detract from the street scene and obstruct footway users in particular the visually impaired. The applicant needs to clarify the frequency and details of how deliveries and collections will be carried out, ideally from a location within the curtilage of the site to ensure vehicular and or pedestrian movements are not restricted.

The function of the proposed layby which follows the layout of an extant permission for a café/bistro and flats must be reconsidered as part of the intensification of use of the site for a proposed boutique hotel and related bar and bistro. The layby would perform two purposes, firstly servicing and secondly 'drop off' for patrons of the hotel. Whilst a management plan could be considered by the LPA to control the obvious conflict between the two uses, in reality it is unlikely to be implemented successfully leading to potential conflict. The Local Highway Authority consider that the provision of the layby in this location for the revised purposes of a boutique hotel and related bar and bistro would result in indiscriminate parking both within the layby and Bentley Wynd, which is not desirable and which is a highway safety issue.

In addition, this intensification of usage of the site as a hotel, in particular the needs of service vehicles must be considered in relation to the substandard layby design which forms part of both the extant approval and this application. The layby as proposed prevents adequate pedestrian linkages with the existing network in Yarm High Street as access to the proposed footway on the southern side of Bentley Wynd from the High Street would require pedestrians to cross the eastern end of the proposed layby. This is not acceptable, on pedestrian safety grounds given the frequency of deliveries that would be associated with a boutique hotel and related bar and bistro.

Drawing number JM/46290/SPA of the extant permission on which this current application relies on (plan not submitted with the current application and therefore not a plan under consideration) illustrates the swept path analysis of a service vehicle entering Bentley Wynd to access the site.

Copy of Drawing number JM/46290/SPA



The analysis shows that a service vehicle turning left into Bentley Wynd from the High Street will project over the opposite carriageway when making the manoeuvre. Subsequently the junction will need to be clear to enable the vehicle to make this manoeuvre in one movement. This raises the safety concern that a vehicle attempting the manoeuvre will obstruct traffic travelling northbound on the High Street as it waits for the junction to clear to allow the manoeuvre. Whilst the extant permission proposes to deal with the issues via a controlling condition, the intensification of deliveries associated with the current application on this turning manoeuvre is considered both a highway safety and congestion concern.

The constrained nature of the application site does not allow service vehicles to turn within the site. Vehicles must not reverse onto Bentley Wynd and, therefore, should service vehicles reverse into the site (so they can exit in a forward gear) this manoeuvre also requires the vehicle to utilise the opposite carriageway. This further reinforces the concerns about the intensification of usage over and above that of the extant permission and its unacceptable impact on the highway. Furthermore, service vehicles reversing into the site will require traffic management arrangements to be in place to ensure the reversing area is kept clear of pedestrians and the vehicle can reverse safely.

Notwithstanding the technical design issues with the design of the layby details of how parking will be controlled in the proposed layby are required. If it is expected that restrictions will be utilised then a Section 106 contribution of £1500 should be requested in order to fund the requisite TRO.

### Parking

The Technical Note submitted re-iterates points previously raised by the applicant specifically in relation to the:

- Proximity of the site to the town centre and the existing parking provision available on the High Street and at the three public car parks;
- Existing sustainable modes of transport facilities within reasonable walking distances;
- Relevant planning guidance.

The report then goes on to conclude that:

- *'Having due regard to the above it is our view that there are sufficient factors / opportunities relevant to the site location to reduce the level of parking demand for the development. Similarly there are opportunities for guests to park within a short walking distance of the site and sufficient parking controls to prevent the creation of a road safety problem by parking occurring in undesirable locations';*
- *'Therefore the provision of 4 parking spaces for the modest level of development proposed is considered to accord with local and national policies and any perceived shortfall would not cause a problem that could reasonably be considered severe (NPPF para 32 refers).'*

As previously set out Highways, Transport and Environment, when considering the proposed application, has taken account of the points raised by the applicant and maintains that the Hotel element of the proposed development must meet its parking requirements within the curtilage of the application site.

When considering the application the parking standards set out in Supplementary Planning Document 3: Parking Provision for New Developments - Adopted Version November 2006 (SPD3) were considered alongside the recent findings of a survey undertaken by NEMS Market Research in 2015. This follows implementation of pay and display parking, in order to establish the changes in public perception to a previous study undertaken in 2011 before the changes in parking were implemented.

In terms of the likelihood of not getting parked in Yarm, visitors indicated in 2015:

- *Yes, often; has reduced from 15% to 7%;*
- *Yes, sometimes; has reduced from 40% to 26%;*
- *Yes, once; has increased from 5% to 7%;*
- *No; has increased from 39% to 58%.*

This indicates that the introduction of the changes in April 2014 has had a positive effect on people's perception of parking problems, but that some visitors based on the current level of car parking provision, are still experiencing problems finding a parking space.

In terms of barriers to future potential of more visits to Yarm by those already visiting, were:

- *Traffic congestion; has increased from 5% to 9%;*
- *Poor parking; has reduced from 15% to 2%;*
- *Not enough parking; has remained at 4%;*
- *1% of those interviewed indicated that parking charges are a barrier to more frequent visits.*

The existing visitors were asked what would encourage more frequent visits, responses indicated:

- *Better parking; has reduced from 19% to 5%;*
- *Longer parking; has reduced from 13% to 1%;*
- *More parking; has reduced from 5% to 4%; 3% stated free parking;*
- *Less traffic congestion has increased from 5% to 7%.*

Of those who do not currently visit Yarm who were contacted by telephone and asked about barriers to visiting Yarm, responses indicated:

- *Car parking; has reduced from 21% to 15%.*

The report, therefore, concludes “that in 2011 the availability of car parking was the biggest single barrier, the changes to parking facilities have changed this significantly, though the availability of spaces still features as a deterrent”.

Highways, Transport and Environment has used the NEMS Market Research to inform the Councils emerging car parking policy in Yarm. The proposed development, without additional car parking is contrary to this policy, presents a highway safety concern and places an unacceptable increase in pressure on car parking in Yarm. Without fully mitigating its impact, the adverse impact of this lack of car parking is considered material to the consideration of this planning application.

In terms of highway safety, any visitor would naturally seek to park as close as possible to the proposed hotel. Due to the historic layout of the car parking on the High Street the aisles which provide access to the individual bays have no turning facilities and drivers seeking a parking bay are often required to make onerous turning manoeuvres to re-join the main road or reverse into traffic if a bay is not available. Drivers would also be tempted, if in-curtilage parking was not available to park as close as possible to the proposed hotel, and to circulate the High Street or park inconsiderately and injudiciously.

A lack of car parking associated with the proposed hotel could increase the potential of drivers making onerous or dangerous manoeuvres, when seeking out a parking space close to the proposed hotel. Highways, Transport and Environment, must then consider the impact of this application to be detrimental to the free flow of traffic, increase the risk of accidents occurring and cause an inconvenience to other users which is considered to be unacceptable.

It should also be noted that the standards set out in SPD3 were not applied rigorously. Highways, Transport and Environment have accepted that the parking requirements associated with all elements of the proposals, with the exception of the requirement to provide 1 space per 2 bedrooms, could be accommodated within the short and long stay car parks within the vicinity of the application site. The details of the specific parking requirements associated with the individual elements of the proposed development are set out below.

The proposed Bistro element of the application benefits from an extant approval (07/1962/REV) and it was considered at the time that parking requirements for the Bistro patrons (on a first come first served basis), which equates to 49 spaces, could be accommodated within the short and long stay car parks within Yarm as there would be linked trips with other High Street establishments.

The proposed 20 bed hotel would require provision of 16 spaces, in accordance with SPD3, for the use of the hotel patrons plus an adequate provision for use by the associated staff. This is based on the following:

- 20 rooms @ 1 space per 2 = 10 spaces;
- 30m<sup>2</sup> (reception area) @ 1 space per 5m<sup>2</sup> = 6 spaces.

It should be noted that the car parking requirement associated with reception area of the Hotel, which equates to 6 spaces, was assumed to be included within the Bistro element of the proposals. Therefore the provision of 10 spaces, requested by Highways, Transport and Environment, already allowed for some of the demand associated with the Hotel to be accommodated within the short and long stay car parks as required.

It is also considered that the parking requirements of the staff associated with the proposed development could be accommodated within the short and long stay car parks as required. It is noted that the hotel and bistro will have an increased number of staff likely to be at the premises at any one time over the extant consent, in this instance it is considered acceptable that the shortfall can be accommodated in on and off street parking in Yarm.

Therefore the 10 car parking spaces for use by the hotel patrons, which already allows for some of the demand associated with the hotel to be accommodated within the short and long stay car parks in the vicinity of the application site, must either be located within the site curtilage or off-site. Only 4 in-curtilage parking spaces have been provided giving a shortfall of 6 spaces. This shortfall is unacceptable.

Any viable off site provision would have to be located within 400m of the proposed hotel, which is based on the standards applied for reasonable walking distances to transport facilities. The nearest official long stay car park at The Old Market is less than 250m away from the proposed hotel, but this car park is popular and always full during peak hours. Whilst SBC have been working to provide additional long stay car parking solutions for Yarm and have recently opened the Yarm Wharf long stay car park at the rear of Barclays Bank, this car park is nearly 500m away from the proposed hotel.

Whilst parking in the High Street may be available at off peak times including overnight, parking at peak traffic periods when guests may be arriving or leaving could result in an unacceptable demand on the on street parking provision, within the vicinity of the proposed site, delivering a severe detrimental impact on other road users in terms of congestion and safety. This further incremental parking requirement is deemed unacceptable.

The proposed layby, already highlighted to be unfeasible, would also encourage unofficial parking, particularly overnight, and tempt drivers to circulate and undertake sudden movements to gain access to it. This is both unsafe to Highways, Transport and Environment, detrimental to the free flow of traffic and inconvenient to other users and hence is considered unacceptable for the proposed hotel use. For these reasons, and those set out above when considering the layout of the proposed site, the layby must be removed from the proposals.

Taking into account the operational issues associated with servicing, potential for pedestrian and vehicular conflict and findings of the recent survey and the issues set out above Highways, Transport and Environment objects to the proposed development for the construction of a 20 bed boutique hotel and related bar and bistro and creation of a vehicular access.

#### Built Environment Comments

The proposed development is broadly in accordance with the requirements set out in NPPF Paragraph 59 in relation to an appropriate response to scale, density, height and massing within its conservation area setting. A great opportunity exists to provide a building that not only seeks to create a 'book end' to this part of the high street, but also provides an opportunity to restore a street frontage and urban grain once evident on this site.

Any development on this gap site should seek to enhance this part of the conservation area and respect the adjacent Grade II listed building. The proposals demonstrate a building height that is representative of the form and nature in which the buildings step from 3 storeys in the middle of the high street, to 2 storeys as you progress towards the two ends.

The proposed treatment to the café/bistro at street level is broadly in accordance with the guidance set out in the council's Shop Front SPD and reflects the design typology demonstrated within the wider conservation area.

In relation to proposed hard landscaping within the site and to the footway along Bentley Wynd, high quality materials should be provided for this high profile site and include a palette of Yorkstone Paving and Whinstone Cobbled Setts. It is recommended that the applicant contact the LPA to agree design and coordination of public realm enhancements. Hard landscaping details should be in line with the condition wording in the informative section.



There is an opportunity to extent the hard landscaping improvements from this development into the wider High Street to create a distinct sense of arrival as you progress from the south towards this end of the High Street through the implementation of an enhanced public realm scheme. As part of an on-going initiative to upgrade and enhance the public realm within Yarm High Street, there is a requirement to upgrade the existing adopted footway adjacent to the site to the east and the pedestrian crossing point to the north across Bentley Wynd. It is therefore recommended that a contribution towards public realm enhancements in line with the Planning Obligations SPD be sought for these improvements at a cost of £7600.

The demolition and potential replacement of the existing boundary wall on the southern site boundary must be clarified. If the wall is to be replaced, care must be taken not to damage the protected (Tree Preservation Order) mature Ash tree south of the site. As this tree is protected the applicant must demonstrate as part of the application what works, if any, are proposed to the tree or within the root zone and canopy of the tree. All works shall be referenced to relevant British Standards and recognised codes of practice.

Details of any aesthetic external lighting such as wall washing/uplighting should be provided lighting should be angled or shielded to prevent glare on the highway. These matters should be secured by condition.

#### Flood Risk Management

The proposed development site is situated within Flood Zone 3, the highest of the national flood risk categories, however, the submitted flood risk assessment demonstrates this has been considered and appropriate mitigation measures are to be implemented.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of a sustainable drainage system within the site.

#### Historic England

Although present day Yarm has medieval origins, the character of this inland port is dominated by the swell of development that took place in the 18th century when the town was at its most prosperous. The embellished frontages of High Street in conjunction with the tightly-grained burgage plots and narrow wynds gives the area a distinctive character and strong design parameters. Although the proposals have clearly considered their historically sensitive location, elements of it fail to capture the remarkable character of the area. As such, the proposal falls short of the National Planning Policy Framework's requirement to enhance or better reveal significance (para.137). Historic England does not object to the proposal but suggests that with a few amendments this application could better address this opportunity to reinforce Yarm's strong identity.

#### Historic England Advice

Although present day Yarm has medieval origins, the character of this inland port is dominated by the swell of development that took place in the 18th century when the town was at its most prosperous and wealthy traders and merchants built grand houses there. The town's enviable location nestled into a loop of the River Tees paradoxically fed its commercial growth but restricted its physical growth; this constraint on space partly explains the survival of the tightly-grained medieval burgage plots and narrow wynds leading back from High Street that give the streetscape its intense and distinctive character. This arrangement has also led to strong design principles and hierarchy of buildings and space; the façades of buildings lining High Street are very much their showpiece, with side and rear elevations subordinate to them in design and therefore status, and likewise the narrow wynds that blend into the streetscape reflect their status as secondary routes through the settlement. The site that is the subject of this application is a key urban focal point

historically and visually, marking the southern threshold of High Street development from which the road widens and the spectacular townscape is revealed.

The proposals have clearly considered their sensitive and important location and I think the historic design approach is appropriate in this instance; however, because the design parameters of the buildings and spaces in Yarm are so well-defined, there are elements of the proposal that fail to capture the remarkable character of the High Street area. Currently, the High Street elevation and Bentley Wynd elevation have been treated in the same way with the shop-front and fenestration size and pattern continuing from one to the other. This has given them equal status, which doesn't correspond with the historical treatment of High Street buildings that give their frontages more attention than the side street elevations. Similarly, setting the building back from the pavement on Bentley Wynd to allow for a drop-off point widens the wynd which draws attention to it, separates it even further from the principal row of High Street and elevates the status of this secondary route.

In addition, the hipped roof on the return to Bentley Wynd and the gabled end to the south elevation gives the building an unbalanced feel, as if the gabled end is waiting for the rest of the row to be built, and visually detaches it from the High Street. Historically this site marks the end (or start) of High Street development and visually was very much part of it; this relationship has been diminished through later alterations but there is a real opportunity to re-establish the historic line of the High Street and the feeling of enclosure and subsidiary character of Bentley Wynd, which will tie the site back into the flow of the High Street rather than feeling like an add-on.

Conserving the historic environment, good design and place making are fundamental to creating sustainable development, as defined by the National Planning Policy Framework (NPPF) in paragraphs 7 and 17. To help achieve these core planning principles, local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance (para.137) and ensure that developments respond to local character and history and reflect the identity of local surroundings and materials to establish a strong sense of place (para.58, NPPF). The proposal falls short of these requirements because the opportunity to rectify past detrimental alterations and re-establish and reinforce the character of this part of the conservation has not been taken.

I by no means object to the redevelopment of this site - indeed, given its current condition and its prominent location, I see it as a chance to better the contribution it makes to the significance of conservation area - but Yarm has such a strong identity and is such a historical and architecture gem that it would be a real shame not to seize every opportunity to capitalise on its individuality. Create a distinction between front and side elevations, address some of the detailing issues (lack of chimneys, for example), pull the building back in-line with the wynd and reconfigure the roofscape to visually link it to the High Street and with a few amendments this proposal could reinforce local distinctiveness and improve upon the current site. If the design is to take a historical approach then it is nuances like this that will make the difference between it feeling like a Yarm-inspired building and not just a historically-inspired building.

#### Recommendation

Historic England recommends that amendments are made to the proposal so that, whilst the occasion presents itself, the opportunity is taken to enhance the significance of the conservation area. To that end, I suggest you liaise with your in-house conservation adviser to agree the finer design details and any necessary conditions.

It is not necessary to consult us again on this application. Please send us a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

#### Tees Archaeology

The development area is within the historic core of the medieval town of Yarm. Archaeological trial trenching took place at the site in 2005 in support of an earlier planning application. This

demonstrated that it contained well preserved archaeological deposits representing medieval activity from the 13th century onwards. The remains took the form of refuse pits, boundary ditches, hearths and possible post built structures. The site produced a substantial collection of medieval pottery and well preserved environmental deposits including fish bones and cereal grains. These deposits can be considered to be heritage assets as defined in the NPPF (Annex 2). They are important as they allow us to build up a picture of the economy, diet, agriculture, industry and environment of the town in the medieval period.

These remains were noted at a shallow depth and it is unlikely that there would be an engineering solution that would allow them to be preserved in situ.

The deposits are of local to regional importance but their nature is not such as to warrant physical preservation (NPPF para 135). Their loss would be acceptable providing appropriate mitigation was provided by the developer. This is recognised in the Combined Planning & Heritage Statement (pages 28 & 29).

The Heritage Statement suggests that a 'strip and record' exercise or 'watching brief' would be appropriate. This understates the level of archaeological work necessary to record deposits of this nature. The developer should be prepared for a full archaeological excavation of the deposits prior to development taking place to appropriate professional standards. This could require a significant financial investment from the developer and they are encouraged to seek a full costing and specification for the work as soon as possible if they have not already.

It would be reasonable for the local authority to require the developer to record the heritage assets to be lost (NPPF para 141). This would take the format of archaeological excavation of the deposits prior to development. This could be enforced by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

## **PUBLICITY**

A total of 57 letters of objection, 12 letters of support and 1 letter of comment have been received in relation to the application.

### ***Comments of support have been received from***

Mr Andrew Sherris, 18 Merlay Close Yarm  
Mr Jack Fowler, 2 Bamburgh Court Ingleby Barwick  
Ms Lynn Stewart, 95 High Street Yarm  
Miss Georgia Neaum Davis, 9 Teesbank Avenue Eaglescliffe  
Dr Brian Liddell, Hauxwell Building west st  
Mr Giles Woldaf, 7 Cookridge St, Leeds  
Mrs Marjorie Simpson, 15 Mayes Walk Yarm  
Mr James S, 4 Levendale Close Yarm  
Mark S, 15 Merryweather Court, Central Street, Yarm TS15 9FF  
Mr Richard Heward, 5 Snowdon Grove Ingleby Barwick  
Peter Monck, 44 West Street, Yarm, Stockton-on-Tees TS15 9BU  
Ms A Walker, 13 high row, Gainford, Darlington DL2 3DN

### ***Comments of objection have been received from***

Mr John Wallace 8 South Cliff Parade Broadstairs CT10 1TN  
Dr Sujata Kundu The Smithy Richmond DL11 7PS  
Dr R Radhika 2 Lauriston Close Darlington DL3 8TU  
Dr Bahulayan Sujith 50 SWINBURNE ROAD DARLINGTON DL3 7TD  
Dr Andrew Hyde 1 Scugdale Close Yarm TS15 9UG  
Mr Graham Wallace Woodview Rasen Road TEALBY LN8 3XH  
Mrs Amanda Nicklin Jasmine House 15 Bentley Wynd Yarm TS15 9BS  
Miss D Curtis, Mrs Y Curtis And Mr D Curtis 17 Bentley Wynd Yarm TS15 9BS  
Mr Colin Thompson 10 Bentley Wynd Yarm TS15 9BS  
Miss Hannah Spencer 4 High Street Yarm TS15 9AA  
Mrs Mary Hall 5 Low Church Wynd Yarm TS15 9BA  
Mrs Gillian McIntosh The Barn, 52a East Street Alresford SO24 9EQ  
Mrs B Huebner 4 Bentley Wynd Yarm TS15 9BS  
Mr STEPHEN SIMS 2 Worsall Close Yarm TS15 9DB  
Mr Mark Duffy 2 High Street Yarm TS15 9AA  
Mr David Jeffries 19 Bentley Wynd Yarm TS15 9BS  
Ms Kim Webb 33 Atlas Wynd Yarm TS15 9AD  
David Vaughan 3 Worsall Close Yarm TS15 9DB  
Dr James Cropp 2 Bentley Wynd Yarm TS15 9BS  
Sophie Earl 1 Atlas Wynd Yarm TS15 9AD  
Dr A Rafi D.M.H. Hollyhurst Road Darlington DL3 6HX  
Pat Brown 11 Bentley Wynd Yarm TS15 9BS  
Mr Mark Graham 1 Worsall Close Yarm TS15 9DB  
St Mary & St Romuald Parish St Marys House High Street Yarm TS15 9AA  
Mrs Bindu Shanker 3 Atwater Close Yarm TS15 9UF  
Robert Mullen 18, Chandlers Ridge Nunthorpe Middlesbrough TS7 0JL  
Mr Alan Judge 8 West Street Yarm Stockton-on-Tees TS15 9BU  
John W Latimer 1A Countisbury Road Norton Stockton-on-Tees TS20 1PY  
Mr John Cropp Brook House The Rise Brockenhurst SO42 7SJ  
Mrs Gemma Williams 2 Kelsterne Close Yarm TS15 9SX  
Dr Sally Roscoe 23 high green Gainford, Darlington DL2 3DL  
Mrs Sarah Wallace Innovation House, Discovery Park Sandwich CT13 9ND  
Mr Vivek, Shanker 3 Atwater Close Yarm TS15 9UF  
Mrs Iris Wallace Woodview, Rasen Road Tealby, Market Rasen, LN8 3XH  
Mrs June Cropp Brook House The Rise Brockenhurst SO42 7SJ

Mr Jonathan Tyreman 38 West Street Yarm TS15 9BU  
Mr Richard w Sunley 17 West Street Yarm Stockton-on-Tees TS15 9BU  
Mr andrew Gibson 8 Black Bull Wynd Aislaby Stockton-on-Tees TS16 0GN  
Mr Adam Potter 35 Pinewood Road Eaglescliffe Stockton-on-Tees TS16 0AJ  
Mrs Teresa De Aquino Garibo 11 Merryweather Court Central Street Yarm TS15 9FF  
Mr Scott Grainger 3 The Grove Yarm TS15 9HA  
Mrs Alison Grainger 3 The Grove Yarm TS15 9HA  
Mr Mark Williams 2 Kelsterne Close Yarm TS15 9SX  
CD Lusted Water's Edge 4 Westgate Yarm TS15 9QT  
Miss E Haley 165 Westgate Guisborough TS14 6AN  
Mr Philip Nicholls 53 Seymour Grove Eaglescliffe Stockton-on-Tees TS16 0LE  
Miss Jennifer Brown 11 Bentley Wynd Yarm TS15 9BS  
Mrs Jean Davies 89 The Larun Beat Yarm TS15 9HX  
Mrs Margaret Thompson 10 Bentley Wynd Yarm TS15 9BS  
Ms Jo Cutts Church Farm Station Road South Willingham LN8 6JQ  
Mrs Jane Stephenson 3 Trueman Grove Darlington DL3 0YE  
Miss Karen Fenwick 48 Streatlam Road Darlington DL1 4XG  
Mrs Carolyn Casey 9 Kingsdale Close Yarm Stockton-on-Tees TS15 9UQ  
Mrs Karen Evans 1 Kingsdale Close Yarm TS15 9UQ  
Miss Michelle Hill 2 Newsam Road Eaglescliffe Stockton-on-Tees TS16 0ED  
Mrs Alexandra Pittortou 78 New Forest Drive Brockenhurst SO42 7QW

***General comments have been received from;***

Mr Neil Swanson, Old School House Bentley Wynd

***Objection comments received are summarised as follows;***

Highway Matters

- There is a severe lack of parking in Yarm.
- Only 4 parking spaces are shown for 20 staff and no parking for visitors which will worsen existing parking problems, there is no area for manoeuvring within the site, no disabled provision and no cycle provision. There is a recognised supply and demand problem for parking in Yarm and the High Street cannot absorb such a significant additional demand.
- The pavement is already regularly blocked by illegally parked vehicles forcing pedestrians onto the road. Bentley Wynd is used for turning when the high street is busy. These problems will be exacerbated by such a traffic intensive development.
- The proposed layby appears not to be wide enough for delivery lorries so they will obstruct the road and traffic could back up onto the high street.
- The layby is opposite the mews entrance to the new housing development. Cars will be driving and reversing in and out of the 10 bay parking area via a narrow archway. Is it safe to site a loading bay immediately opposite?
- Access to Yarm School would be seriously compromised.
- The approved but yet to be built scheme on the opposing side of Bentley Wynd will already have visibility for vehicles exiting the site limited and this will be directly opposite.
- Bentley Wynd is very narrow and is not designed to accommodate heavy traffic, it is meant as a quiet minor road, you are simply changing the purpose of this road and it will be unbearable. My house has single glazed sashed old windows to keep it in style with this conservation area, and the noise of heavy traffic rolling up and down this road less than 5 ft from my sitting room is enough to cause clinical depression.
- There is a "pinch point", due to parked cars, slightly beyond Bentley House up the Wynd, where cars have to wait to pass. Due to the increase in traffic, this may increase the chance of an accident and cause traffic congestion which may back up to the High Street.
- The drop off / pick up area on Bentley Wynd appears to not allow enough room to exit right from the hotel towards the High Street. This will potentially increase traffic through West Street or cause danger and congestion as cars try and U-turn at the top of Bentley Wynd.

- Despite parking restrictions (double yellow lines) on Bentley Wynd, cars frequently park illegally which reduces the already limited visibility when exiting Bentley House and neighbouring properties. We are concerned that increased demand for parking from this development may exacerbate this problem.

#### Impacts on amenity

- The proposed kitchen is just the other side of the wall from the kitchen of the adjacent residential property (2 Bentley Wynd) which will suffer from noise, smells, staff smoking, extractor fans etc.
- The south facing hotel bedroom windows would overlook the garden of the adjacent property (2 Bentley Wynd).
- The most significant change is that 6 hotel windows have been turned round so that they no longer overlook the private gardens of Bentley House. However, 2 corridor windows and 1 bedroom window on the south elevation still overlook the gardens, together with 5 bedroom windows overlooking the house and garden on the west elevation. This still represents an unacceptable loss of privacy.
- This is a designated residential area within Yarm Town Plan and it has never had a night time or 24 hour business operating within it. This development will bring traffic, antisocial behaviour and noise to the surrounding family homes on the High Street, Bentley Wynd and Fish Ponds.
- This will bring evening, night time and early morning disruption to Bentley Wynd and the south end of the high street. The existing problems of vomiting, urinating etc. are currently confined to the centre of town. This development will extend the late night antisocial behaviour into a wider residential area.
- Yarm conservation area is a unique and delicate balance of residential, daytime and night time business. If this balance is not maintained then ultimately residents could be driven away as in many town centres today.
- My objection to this venture is that this area of Yarm is residential & not commercial. This area is away from the madness that is the centre of Yarm on a Thurs/Friday/Sat night. To build a 20 room hotel and 100 seat restaurant is to encourage what target market? The hen parties and stag do's that have so blighted and stigmatised places like Magaluf. People urinating & vomiting in the high street as they stagger past folks homes back to their hotel. Car doors banging 24/7 Noisy groups stood outside smoking. Disruption of traffic flow as people park in the drop off areas. Taxis blocking the high street as they wait outside for their fare.  
Early morning/Evening deliveries blocking the road as little adequate accommodation is made for them. Their reversing alarms squawking out their misery at all times of day.
- Having unsuccessfully objected, along with many others, to the The Purple Pig development we have now had to endure nearly two years of all the problems we were concerned about, including significant noise disturbance, litter, smell/fumes, antisocial behaviour, access problems and traffic difficulties/dangers. It has at times completely ruined our quality of life and has led us to consider leaving Yarm for good. We can foresee all the same problems with this proposed development at the south end of the high street, but to a far greater extent given the overall scale of the development. In addition we note there is woefully inadequate provision for parking for staff and customers which will without a shadow of a doubt lead to invasion of parking spaces on Bentley Wynd used by residents.
- Concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. Working hours for all Construction/Demolition operations including delivery/removal of materials on/off site should be restricted.
- Light Intrusion - From recent experience regarding the installation of the lighting in the High Street where it would appear that very little thought went into the design, location or

intensity this could well be another example of the type of intrusion that we will experience with the development being a 24 hour business.

- Odour nuisance:-One of the many experiences that we have to now tolerate with the huge expansion of Yarm School is one of school diners. If this development went ahead I would be surrounded by the culinary delights of Yarm School, the hotel development and Yarm High Street
- If I am to get no respite then before the development commences details of a ventilation and fume extraction system specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises .
- Noise disturbance from vehicles servicing the premises will always be a problem in this location.
- The suggested opening hours in the description of the proposed development for the café/ bistro of 09.00hrs 23.00hrs is simply not acceptable for this location. It would mean a constant barrage of noise for the whole day, with no let up whatsoever, in five years we have gone from a relatively quiet spot to now servicing over 800 pupils and now a busy 24 hour hotel.

#### Heritage and Environment

- Referring to conservation area document C11, this is 'a prominent site and one of first to be seen when entering the Conservation Area from the south.' The proposed 3 storey building will dominate the streetscape and partially block the high street vista from the southern approach. It should be noted that the buildings at the other extremities of the high street fall away to 2-storey.
- This development is metres from Bentley House, a Grade II listed building, considered to be the finest example of a superior Georgian house in the area. It currently dominates the surrounding buildings, as it would have done in the early 19th century. It will be dwarfed by the proposed development.
- The planned building is not in keeping with the historic nature of the High Street and the appearance of a conservation area.
- Great importance is attached to the preservation of the existing character and appearance of Conservation areas allied to the promotion of their economic well-being and at the same time respecting the amenities of property owners within the area.

#### Other Matters

- The planned development is far too complex and on a scale which is totally inappropriate for the available land.
- Insufficient parking and the problem this will have on existing parking will adversely affect the viability of the High Street shops.
- Drawing 1430/P/001C is incorrect as it does not show the kitchen extension on Bentley House (adjacent Property) which brings this development substantially closer. The plans do not show the approved plans of the 7 dwellings on the opposing side of Bentley Wynd. How therefore can the proposal be assessed against impacts on light, privacy, ventilation, noise, highway safety etc.
- The owners of this land mention in glowing terms their association with the Tall Trees as an endorsement of their skills.  
( Gazette 2010 - But it closed its doors in 2010. And the adjoining three-star hotel followed suit closing in June)  
( Gazette 2014 - "The cause of the fire is under investigation by ourselves and the police." the Tall Trees, on Worsall Road, is currently derelict.)  
( Gazette April 2014 - the hotel had been fined £20,000 for a number of food hygiene offences.  
fact is, this was a failed venture, locals thought it a monstrosity on the landscape, with many issues. I heard it is now shut down.

- Yarm, was recently voted "Britain's best High St", it also was voted "Britain's best Flower shop" and most recently, someone nominated it as "Britain's most Romantic town".
- Main concern is that the development will be changed once planning permission granted to become a night club/similar. Can this be legally prevented?
- The impact of a new development on trees with TPOs in the garden of 2 Bentley Wynd.

The application also contravenes a number of National and local planning policies/guidance's shown below related to the preservation of a Conservation Area and the character of an area containing listed buildings.

#### Planning policies

##### National -

- o Section 69, item 3, of The 1990 Planning (Listed Buildings and Conservation Areas) Act - 'A conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance ...' The main attributes that define the special character of an area are its physical appearance and history, i.e. the form and features of buildings and the spaces between them, their former uses and historical development.
- o NPPF paragraph 7 - 'The planning system should be contributing to protecting and enhancing our natural and historic environment ...'
- o NPPF paragraph 17 - 'One of the 12 principles in the planning system ... conserve heritage assets in a manner appropriate to their significance ...'
- o NPPF paragraphs 58 - 'Respond to local character and history and reflect the identity of local surroundings and materials to establish a strong sense of place ...'
- o NPPF paragraph 131 - 'In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.'
- o NPPF paragraph 132 - 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.'
- o NPPF paragraph 133 - 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset' (in this case the adjacent Grade 11 listed Bentley House), 'local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:- the nature of the heritage asset' (in this case the adjacent Grade 11 listed Bentley House ) 'prevents all reasonable uses of the site.'
- o NPPF paragraph 137 - 'Local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance.'

##### Stockton Council policies -

- o Saved Policy EN24 - 'requires new development within conservation areas will be permitted where the siting and design of the proposal does not harm the character or appearance of the conservation area; and the scale, mass, detailing and materials are appropriate to the character and appearance of the area.'
- o Core Strategy policy CS3 (8) - 'requires that in designing new development proposals will make a positive contribution to the local area to be achieved by protecting and enhancing important environmental assets and responding to local character.'
- o SPD3 - 'Parking Provision in Developments Stockton Council's SPD for parking provision within developments was formally adopted in October 2011. The SPD states that for new hotel developments in other areas of the Borough outside Stockton town centre should



provide sufficient operational parking and area for manoeuvring within the site; and non-operational parking provision at: 1 space per 2 bedrooms; and 1 space per 5m<sup>2</sup> public floor area.'

#### Area Historical Character

Historically the application site occupies an area of the High Street containing significant historical buildings such as the Grade II listed building Bentley House and the St Mary and St Romauld Parish Church. Although prior unfortunate use of the application site as a Tyre Depot temporarily degraded the significance of this area, Stockton Council should take into account this present open site as a potential opportunity to reinstate a building of equal significantly historic design along the southern line of the High Street and in keeping with the spectacular streetscape of Yarm High Street. The intention to locate a 20 room boutique hotel and bistro cafe does not match this concept.

The site is in a high flood risk area. This is detailed in the Flood Assessment report in the application. The summary on page 36 clearly states

"As the development would be situated in a high risk flood zone it is necessary to ensure appropriate evacuation and flood response procedures are in place to manage the both residual risk of flooding due to the presence of defences and that associated with an extreme flood event. Similarly provision of the new building at the site should be constructed using resilient construction methods." Numerous proposals for in-fill housing in central Yarm at the same elevation as this site, as far back as 2008, have been refused because of the flood risk. It has been suggested that no more housing will be allowed in this area for this reason. Surely the risk to occupants of a hotel, who are strangers to the area, is greater than owner/occupiers of houses.

Using data provided by Cleveland Police, there is a clear trend in the geographical mapping of reported criminal offences within Yarm. Reported crimes in July 2015 in the central Yarm area, of 25 reported crimes in one month, 24 of these crimes were committed in key social and drinking areas of the High Street. Whereas West Street, Bridge Street and Bentley Wynd had no reported crime in this month. This data suggests a correlation between social and alcohol serving venues and the impact on crime. This trend continuous into other months in addition, busy drinking periods of the year also show an increase to the level of crime in Yarm such as December.

Cleveland Police Force provide a detailed statistics for Yarm, in which they provide a comparison of crime types in the area. Within this report, they collate the data from August 2014 to July 2015 and provide the percentage of crime types committed. For example, Anti-Social Behaviour amounted to 43.60% of crime in Yarm, Violence and Sexual Offences equated to 20.58% of offences and Criminal Damage and Arson 6.70% and finally Drugs 1.93%. These four 'alcohol associated' crimes equate to 72.81% of crimes committed in Yarm.

If granted, this planning permission would extend the high streets nightlife into a residential area and therefore we would likely see the crime trend extend into Bentley Wynd. Whereas, currently the police are more equipped to deal with the criminal impact of Yarm's Night Life within a small commercial area. The effect of a drinking venue on Bentley Wynd will not only affect the residents currently living in the area but the residents of the 7 new properties which will stand directly opposite the Bar/ Night Club venue that could be built.

The Communities and Local Government National Planning Policy Framework 2012 sets out 12 principles which provide guidance for Local Authorities and Decision makers to should follow. I shall examine one of the twelve principles.

#### Principle 7 - Requiring Good Design

"Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit"

- As this design only holds 4 parking spaces, this will not provide any access requirements for disabled guests or staff, for which the Equality Act 2010 will need to be taken into consideration.
- Visitors in the 20 bedrooms, bar and bistro will have to find their own parking which could be on Bentley Wynd or West Street as the Council have not made this residential parking.

"Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"

Concern over crime and disorder, people urinating in alleys, fighting , throwing bottles and cartons all of which will impact on residents quality of life as well as community cohesion.

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"

- I would like to note here that the Land Owners original promise to donate this Land to Yarm for parking would have improved the quality of the area. Whereas this application will cause further parking problems not only to the high street but to our residential roads.

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."

- I am unaware of any attempts made by the applicant to work with residents directly affected by the plans. As a resident who lives opposite the proposal I feel that resident's views have not been considered.

***Support Comments received are summarised as follows;***

- This is a prominent site at the entrance to Yarm High St. A sympathetically designed building that is in keeping with the High St architecture is to be welcomed as the present site is an eye sore and could well be used for other less acceptable uses.
- The applicant has applied for hours that are less than other establishments on the High St and are designed to fit with the ambience and up market image that the hotel and bistro are aiming for. The applicant is quite willing to work with near-by residents and neighbours to allay any concerns that they have. Comments relating to noise from music are unfounded as conditions will apply as well as modern building techniques and sound insulation severely restrict this activity.
- The application suggests that this will be very much an `upmarket` bistro similar to the best establishments on the High St such as Muse and Cena and will not be a `drinking hole` .
- I don't see the issue with parking either since visitors would be paying to park on the high street the same as anyone else who visits Yarm. Traffic problems are already something that Yarm suffers.
- Great idea and a very exciting prospect for the residents of Yarm and visitors alike.
- The site has been derelict and an eye sore for a number of years. Any development would be a bonus but looking at the plans this is an aesthetically pleasing yet traditional design for the building that fits in with the heritage of Yarm.
- I work for a large Engineering company in the region and we constantly have clients coming up from all over the country and internationally. I am always challenged when they ask me to recommend a local hotel due to the lack of nice hotels in the area. This would solve that.
- Yarm is predominantly local and privately owned small businesses, this development would be a huge bonus to the local economy driving extra revenue through people coming to visit the town.

- Long before the site became Campbell's garage, the site had at least 2 cottages on it. Both of which were as tall as 13 High Street.
- Regarding the licencing hours, the applicant should be allowed to operate within the same time frame as all the other licensed premises in Yarm High Street. To impose a different time restriction, would in my view be discriminatory.
- I must comment that the recent parking changes in the High St have considerably improved with Pay & Display. It is extremely rare not to be able to park and the new long stay car park at The Wharf behind Barclays Bank is becoming well used. For those objectors who are suggesting that the new hotel would seriously compromise the parking situation are quite unfounded and in some examples completely malicious. Those patrons using the hotel would most likely arrive in the late afternoon and leave first thing next morning. There are plenty of spaces on the High St in an evening even with those residents who have permits.
- I note that the other B&B establishments on the High St do not have their own parking. It is accepted that in such a location as Yarm, a short walk is the norm from your car to hotel etc.
- There is a severe shortage of quality rooms in the area and there is a need if we are to support business and tourism growth in the Tees Valley. With regards to parking, there is ample space on an evening to park on the High St. Visitors to the hotel are more likely to arrive late afternoon and leave first thing in the morning. Having a short walk to the hotel is what is often the norm in market towns around the country.

## **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

### **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.

### **Local Planning Policy**

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

***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 EN28 of the adopted Stockton on Tees Local Plan***

Development which if likely to detract from the setting of a listed building will not be permitted.

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

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

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

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

***Saved Policy S2 of Alteration No 1 of the adopted Stockton on Tees Local Plan***

Proposals for new, or extensions to existing, major retail development outside the Primary Shopping Area within Stockton Town Centre and beyond the boundaries of the District and Local Centres, as illustrated on Proposals Map, will not be permitted unless : -

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve ; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites : -
  - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
  - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
  - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
  - 4) in other out of centre locations;
- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

Proposals for other key town centre uses in locations which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will also be required to satisfy the above criteria. In relation to Criterion (ii), other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within and/or on the edge of defined boundaries of the Town, District and Local Centres in the Borough.

***Saved Policy S14 of Alteration No 1 of the adopted Stockton on Tees Local Plan,***

Proposals for Use Class A3, A4 and A5 'Food and Drink' development will be permitted in the defined retail Centres listed in Policy S1, where the proposal is in accordance with the following retail locational policies:-

- 1) Within the Defined Stockton Town Centre, subject to Policies S4, S5 and S6;
- 2) Within the defined District Centres except Yarm, subject to Policy S7;.
- 3) Within the defined Yarm District Centre, subject to Policies S8;
- 4) Within the defined Local and Neighbourhood Centres, subject to Policies S10;
- 5) Outside of the defined retail Centres, proposals for A3, A4 and A5 uses will only be permitted if there are no suitable units available within the defined Centres, or there are justified exceptional circumstances that necessitate such a location.

Proposals for all Use Class A3, A4 and A5 uses will be considered against the following criteria:-

- i) the level of traffic generated and the provision of parking facilities, both in terms of highway engineering considerations and the general amenity of the area;
- ii) any adverse impact of proposals on residential amenity in terms of smell, noise, litter fumes and disturbance;
- iii) the provision of adequate and effective fume extraction and filtration equipment;
- iv) the provision of facilities for litter within and adjoining the premises;
- v) the secure provision for trade waste, stored in an out of sight location;
- vi) where appropriate, conditions limiting the late night opening may be applied.

Saved Policy S18 of Alteration No 1 of the adopted Stockton on Tees Local Plan

Where planning permission is required for retail developments associated with horticultural nurseries or for farm shops, proposals will only be permitted provided that : -

- i) satisfactory parking and access arrangements are provided in accordance with the volume of traffic likely to be generated by the proposed development, and
- ii) wherever possible, the retail operation is carried out in an existing building on the farm in accordance with Policy EN20, and only if this cannot be achieved, then any new building associated with the proposal should be designed and built in character with the adjacent farm buildings and in accordance with other relevant policies of the Local Plan, and
- iii) any associated signage/ advertising does not constitute an intrusive feature in the landscape, and
- iv) proposals are small in scale and ancillary to the main use of the farm, and
- v) the operation does not cause significant harm to a local centre as defined at Policy S1, a nearby village shop or local amenity; and
- vi) the goods sold will predominantly (at least 75%) be those produced on site or from other local farms.

### ***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. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

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

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

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

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

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 4 (CS4) – Economic Regeneration***

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification;
- ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
  - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
  - b. Preston Park;
  - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
  - d. Saltholme Nature Reserve.

v) The creation of employment and training opportunities for residents by developers and employers.

### **Core Strategy Policy 5 (CS5) - Town Centres**

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

7. Should any planning application proposals for main town centre uses in edge or out-of centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

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

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

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

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

### **Emerging Policies – Regeneration and Environment Local Plan**

#### **Strategic Policy SP1 - Presumption in favour of sustainable development**

1. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

#### **Policy T4 Local Parking Standards**

1. New developments and changes of use should be able to demonstrate sufficient accessible and convenient operational and non-operational parking for vehicles and cycles and where practicable, incorporate facilities for charging plug-in and other ultra-low emission vehicles.

2. Any new or revised parking provision should be of a sufficient size and layout to facilitate its safe and efficient operation.

### ***Policy SL1: Development and Amenity***

1. Development will be designed to provide a satisfactory level of amenity for future occupants.
2. Development will be designed to avoid an unacceptable detrimental impact on the amenity of occupants of neighbouring properties.

### ***Policy TC 1 Supporting Town Centres***

1. A balance of retail and supporting uses which are appropriate in scale and type to the relative position of each centre in the Town Centre hierarchy will be encouraged. Main town centre uses will be directed to sites allocated for town centre uses in Policy TC3 and suitable, available sites and premises in the Town Centre Hierarchy.
2. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable, viable and available sites and premises in defined centres, in the following sequence:
  - i) Stockton Town Centre Primary Shopping Area; then,
  - ii) Sites within the boundaries of Stockton Town Centre and the District Centres; then
  - iii) Sites on the edge of Stockton Town Centre and the District Centres which have the opportunity to connect to the defined Primary Shopping Area or District Centre's main shopping areas; then,
  - iv) Sites within the Local Centres; then
  - v) All other sites on the edge of Stockton Town Centre, the District Centres and Local Centres which are well served by public transport and have a high likelihood of forming links with the centre; and finally
  - vi) Sustainable out-of-centre locations within the limits to development.
3. All other main town centre uses will be directed to the most sequentially preferable suitable, viable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:
  - i) Town and District Centres; then,
  - ii) For office development only, Principal Office Locations; then,
  - iii) Within the boundaries of the Local Centres; then,
  - iv) Sites on the edge of the Town, District and Local Centres which are well served by public transport and have a high likelihood of forming links with the centre; and finally
  - v) Sustainable out-of-centre locations within the limits to development.
4. Proposals will only be supported in less sequentially preferable locations where it has been demonstrated that there are no available, suitable and viable sites or premises in sequentially preferable locations and that a flexible approach to scale and format has been applied.

### ***Policy TC6 District and Local Centres***

1. The Council will seek to maintain a high proportion of retail units in all District and Local Centres. Proposals for change of use away from retail (A1) will be supported if it can be demonstrated that:
  - i) the proposed use will not unacceptably harm the vitality and viability of the centre;
  - ii) the proposal does not result in the loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre;
  - iii) the proposed use results in no more than four non-retail units adjacent to each other;
  - iv) the proposal does not result in an over-concentration of one non-retail use to the detriment of the vitality and viability of the centre;
  - v) in Billingham and Thornaby District Centres, the proposal will generate significant regeneration benefits for the wider centre.
2. To support Yarm and Norton Centre's historic High Street frontages and mix of uses residential properties within and adjacent to the centres, as defined on the policies map, will be protected in that use.
3. New developments or changes of use which reduce the proportion of Yarm District Centre's frontage length in retail use below 50%, or increase food and drink (Use Classes A3, A4, A5), and nightclub uses above 20%, will not be supported.

### ***Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets***



1. The Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment which describes the significance of the asset(s) affected, including any contribution made by their setting. Applicants are required to detail how the proposal has been informed by this assessment.
3. Development proposals will conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance.
4. The following designated heritage assets are of considerable significance:
  - a. Scheduled Monuments- Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle mound and bailey; Larberry Pastures settlement site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge;
  - b. Registered Parks and Gardens- Ropner Park and Wynyard Park;
  - c. Conservation Areas- Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm;
  - d. Listed Buildings
5. The Council have identified the following heritage assets as they are of local significance:
  - a. Character Areas- Oxbridge Lane; Junction Road; Durham Road; Darlington Road; Yarm Road, Stockton; Thornaby Airfield; Yarm Road (North), Eaglescliffe; Yarm Road (South), Eaglescliffe; The Spital/Leven Road and Leven Road;
  - b. Assets on the Local List.
6. Stockton to Darlington railway of 1825, the branch line to Yarm and associated structures are should be considered for their international interest.

## **MATERIAL PLANNING CONSIDERATIONS**

17. The proposal is for the erection of a new building on the site to provide a bar/bistro at ground floor and a 20 bed hotel on the two upper floors. The bar/ bistro is aimed at serving both the hotel and the general public. The main material planning matters relate to the principle of development, impacts of the proposed use on the historic environment and residential amenity and on highway provisions. These and other material planning considerations are detailed below;

### ***Principle of development***

18. The principle of a ground floor café/ bistro has already been accepted on this application site in 2007 through the granting of application 07/1962/REV. Development associated with that approval commenced and therefore, this is an extant consent and is not time bound under planning as to when it has to be completed. This extant consent is therefore a material consideration in considering this current proposal.
19. There is also an appeal relating to a refused application to extend the opening hours of the previously approved café / bistro which is also a material planning consideration with some relevance to this current proposal.
20. Although the site is located outside of the town centre boundary for Yarm, it lies immediately adjacent and in view of the extant permission, the bistro element of this proposal is considered to be acceptable in principle as it would reasonably serve the function of Yarm Centre.
21. With regards to the proposed hotel element, a hotel is classed as a main town centre use within the National Planning Policy Framework. Main town centre uses are required by both local and national policy to be located within defined centres, and where they are not, to be considered against a sequential assessment which considers whether there are any more suitable sites in centre where the use could be provided. If there are no suitable

sites then national policy advises that edge of centre is the next most suitable location and preference should be given to accessible sites that are well connected to the town centre.

22. A sequential assessment has been submitted with the application to justify the location of the development out-with the defined centre. The findings of the sequential assessment are accepted in that there are no other available, suitable or better located sites within Yarm centre that would be able to accommodate the proposed development. It is therefore considered that the proposal accords with Core Strategy Policy CS7, Emerging Policy TC1 and the NPPF in this regard.
23. As well as national policy, consideration is given to Core Strategy Development Plan Policy CS5. This policy supports proposals which support Yarm's Niche role in offering higher quality comparison shopping together with leisure and recreation opportunities, subject to the residential mix in the centre not being compromised. As the site is a former commercial garage, there is no loss of residential use within the centre or immediately adjacent and the proposed hotel would support the shopping, leisure and recreation role of the centre, allowing visitors to stay longer, thereby being in accordance with Core Strategy Development Plan Policy CS5 in this regard.
24. Paragraph 6 of the National Planning Guidance advises that it may not be possible to accommodate all forecasted needs in a town centre and that there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. This should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise. It is considered that this site is so closely related to the town centre, that for the purpose of impact, the use would not adversely affect the vitality of the town centre but would be more likely to improve the viability and vitality of the centre.
25. As the site lies adjacent to but outside of Yarm Centre the saved Local Plan policies and emerging policies relating to preservation of retail uses and limiting A3, A4 and A5 uses are not directly relevant in this instance. Importantly, this site is currently a vacant plot and would therefore not result in the loss of any existing town centre use. This proposal is considered therefore to not be contrary to such policies.
26. The proposed development is considered to represent sustainable development, being closely associated with Yarm centre and the relevant services which adds uses into the functioning of the centre which would arguably improve the sustainability of Yarm centre and is therefore in accordance with National Guidance and emerging policy SP1 in this regard.

***Noise, disturbance and anti-social behaviour***

27. The proposal relates to the provision of a 20 bed hotel and bar / bistro, both of which would normally be expected within a central area such as Yarm, Stockton, Billingham etc. Importantly, approval exists for a Café / Bistro on the site and that permission is extant, meaning it is able to be built out without the need for further planning approval. The impacts of that use were considered at the time of considering that application. This proposal includes the provision of a hotel and the bar / bistro proposed would in part be able to be used by hotel patrons. It is therefore anticipated that the bar / bistro proposed in this application would not have any greater impacts than those that would have been associated with the extant consent in general terms (notwithstanding discussion over hours of use).

28. The previous decision considered the impacts of the café/bistro use, mainly around noise and disturbance from visiting members of the public in the later hours and sought to impose a condition on the approval to limit the hours of use to 8.00pm. The background section of this report details that an application was made to extend the opening hours which was subsequently refused due to concerns over the impacts of a late night use operating at this end of the High Street away from the main thrust of the evening economy. The council's decision was appealed and the appeal was dismissed with the Inspector agreeing on these matters. This proposal relates to a slightly different mix of uses and account is taken that the previously approved café/bistro was a stand-alone use with residential premises above. This current proposal is for a Bar/bistro and hotel above, with the bar / bistro serving the hotel function and also serving visiting members of the public. The Environmental Health Unit consider that a bar / nightclub type use would be unsuitable in this location due to its impacts on residential amenity, however, consider that subject to suitable controls, that a bar/bistro and the later opening to the approved scheme (until 11pm) would be acceptable subject to controls to ensure the use functions at a level / and is of a type which would not unduly affect residential amenity which was the source of debate in the earlier application and associated appeal. The Environmental Health Unit have advised that planning controls to achieve this would be controls requiring an 11pm close of the bar/bistro and controls to prevent the bar operating in isolation, thereby only being able to serve drinks associated with meals being purchased in the Bistro and / or to residents of the hotel. It is considered that such controls would prevent the bar operating independently and thereby preventing significant levels of patrons in high spirits frequenting this end of the High Street which would be out of keeping with the existing nature of this end of the High Street and which officers consider would be unsuitable to support.
29. The submission has made a case that the evening economy has drifted closer to this end of the High Street and that other evening economy uses have more generous opening hours and that these matters should support their submission. Whilst there has been some expansion of hours to evening economy uses in Yarm, it is considered that the end of the High street where this proposed use lies remains to be more associated with residential rather than the night time economy of the central area and officers do not therefore accept that this end of the High street should be considered in the same context as the central area.
30. A number of objections have been raised about the impacts on amenity as a result of this scheme and the problems associated with the night time economy in Yarm, detailing crime statistics, problems with people throwing glass bottles in gardens, people urinating in alleyways, fighting and other such problems which is assumed to be largely if not completely associated with the operation of the night time economy. Importantly, this proposal is for a different provision to the bars within the central area of the High Street and there needs to be recognition of this use being an holistic use of Hotel, Bar and Bistro. For this reason, it is considered that the problems associated with the night time economy in the central area would not, if adequate restrictions are imposed, be impacts of the proposed use subject of this application. Paragraph 123 of the National Planning Policy Framework requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and to mitigate and reduce to a minimum other adverse impacts on health and quality of life which would include through the use of conditions. Conditions are recommended to limit the extent of any impacts of the uses on surrounding residential amenity in line with this national guidance.
31. An element of noise associated from staff movement in the later hours is anticipated, particularly at the rear of the building and this is likely to affect the nearest residential

properties although consideration is given to the site location relative to the town centre and the circumstance that staff are unlikely to create the levels associated with patrons. It is considered that this would not be a significant undue impact.

32. In view of all of the above it is considered that the proposed development would be in accordance with the guidance contained within the National Planning Policy Framework and emerging local Policy SL1 in relation to limiting the impacts on amenity for existing and future uses / occupiers.

### ***Design and appearance & impact on historic environment***

33. The building has been designed taking into account the character and appearance of the High Street, with development up to the edge of the pavement, ranging between two and three stories and with a 'shop front' at ground floor level. The return elevation has been designed to reflect the hotel use and has been subdued from the main frontage elevation to better reflect its presence on a secondary highway. This is a stand-alone building within a wider street scene where there is no specific vernacular although it is considered that the proposed building would be in keeping with the overall historic appearance of Yarm Centre.
34. Objectors to the scheme have raised concerns over design and scale of the building considering it to be unduly large and having a negative effect on the conservation area, adjacent Listed Building and the historic character of the area. Whilst the proposed building may be larger than the immediately adjacent properties, the scale is considered to be suitable given the site being on the High Street, where the greater scale of buildings within the central area of Yarm are generally sited. Given this and there being a mix of building heights along the High Street, it is considered that this proposal would not be out of keeping with its surroundings.
35. Historic England (formerly English Heritage) has commented on the application and considers the proposals have clearly considered their historically sensitive location although considered that elements of the design failed to capture the remarkable character of the area. Historic England has not however objected to the proposal and instead suggested a number of amendments be made to better reinforce Yarm's strong identity. Officers discussed this with the applicant who has been willing to amend the design of the building to achieve beneficial changes to the character of the building, key ones being the design of the building's roof and entrance. These changes are considered to weigh in favour of the application.
36. On a more specific note, consideration is given to the impact of the proposed development on the setting of surrounding heritage assets as is required by both local and national planning policy guidance. In the case of this proposal, there are a number of listed properties in close proximity.
37. Listed buildings line both sides of the High Street (2 onwards on the eastern side and 13 onwards on the western side). The significance of these buildings is mainly related to their detailing and their presence within the historic core, gaining an overall grouped value as well as their individual design, historic nature and use of materials. The proposed development would represent a continuation of development along the High Street, albeit on the opposing side of Bentley Wynd and although set slightly in front of the nearest properties, the alignment reflects the layout of the street in this location. The design is of a historic nature and subject to controlling specific design details will fit within this historic environment. In view of these matters it is considered that the proposed building would not unduly affect the setting of these listed building or their significance.

38. Other nearby listed buildings include no. 2 Bentley Wynd which is immediately to the rear of the site and the Listed Church on the opposing side of the High Street. Objection has been made in respect to the impact on these listed buildings. With regards to 2 Bentley Wynd, this is a large residential dwelling which has a strong connection with Bentley Wynd due to the orientation of its frontage. The property is set back from Bentley Wynd and does not therefore dominate the immediate street scene as other smaller properties could be considered to, which align the pavement, but no.2 does have a notable presence in the street scene due to its scale. No. 2 Bentley Wynd is also characterised by its large rear garden and architectural detailing. The proposed development, steps down in scale at the rear and would retain some spacing from the recently extended 2 Bentley Wynd but would serve to maintain the tight grain of built form within the immediate area which is a dominant characteristic of the conservation area. In view of these matters, it is considered that the significance of 2 Bentley Wynd would not be unduly affected by the scale, position and design of the proposed building. The Church on the opposing side of the highway is mainly seen within separate view points and would continue to maintain its relevance to the High Street from views taken from the central area and views when entering the High Street from The Spital. For these reasons, it is considered that the impact on the significance of the setting of the Church would be low. The Councils Historic Buildings Officer has been involved with the discussions which have led to amendments to the scheme being achieved.
39. Supporters consider the proposed development to be of a pleasing design and that the proposal will result in the re-development of a derelict site which has been an eyesore for a number of years. Officers would concur with these views.
40. In view of all these matters it is considered that the proposed development has taken into account its impacts on the heritage assets within the locality and would impact on them in a positive manner as a result of redeveloping a vacant / derelict site which currently detracts from the conservation area and setting of nearby listed buildings and would provide a suitably detailed building for this setting whilst is of a scale and position which reflects the tight knit grain of Yarm Centre and would not have any notable detrimental impacts on the setting or significance of surrounding listed buildings. It is therefore considered that the proposal accords with local and national planning policy on these matters, including those within the Emerging Regeneration and Environment Local Plan.
41. It is important to note as previously mentioned that permission exists for a similar scale and design of scheme on the site and this is a material planning consideration.

### ***Highway Comments***

42. Vehicular access to the site will be taken from Bentley Wynd with 4 car parking spaces provided for staff and management to the rear of the building. A drop off layby area has been provided alongside Bentley Wynd in front of the main hotel entrance. Highway related matters associated with the proposed development therefore generally revolve around parking to serve the proposed uses and access into the site.
43. Residents and others have raised concerns over the limited amount of parking provided on site, considering there to be an existing severe lack of parking in Yarm and that the centre cannot cope with any further demand. They further highlight that there is no ability for the internal manoeuvring of vehicles. External to the site, objectors consider that Bentley Wynd is narrow, not suitable for additional traffic, has pinch points along its length and that there will be conflicts with vehicles leaving the site and the proposed layby, and with the layby and the mews development which was approved on the opposing side of Bentley Wynd. Objectors fear additional traffic along West Street and U-turn manoeuvres taking place within Bentley Wynd.

44. Support comments suggest that Yarm has already got traffic problems, that other B&B's in the High Street do not have their own parking, that the recent changes to the parking regime has improved parking matters and that there is ample parking overnight in Yarm Centre.
45. The Highways, Transport and Environment Team initially raised concerns over the suitability of the proposed access although following the submission of further detailed information of the access and lines of sight and having regards to the likely road speeds along this section of Bentley Wynd, this stance has been revised, now considering that the proposed access arrangements are acceptable.
46. There is a proposed layby as part of the application which would allow for servicing vehicles and hotel drop off's and collections. The Highway's, Transport and Environment Team has advised that the proposed layby splay extends into a section of footpath which would hamper pedestrian movement. This layby position formed part of the approved and extant scheme of application 07/1962/REV. The Highways, Transport and Environment Team consider that this proposed use will result in an intensification of the layby which would result in a detrimental impact on pedestrian safety, which would be difficult to manage by condition. The concern raised is that this would then lead to indiscriminate parking in the surrounding area. It is accepted that the use of the layby would be intensified, however, the hotel is of a limited scale and it is considered that the intensification is unlikely to be to a degree which would significantly affect highway safety and it is therefore considered that the use as a drop off by patrons and the timing of use by service vehicles should be able to be reasonably managed. A condition is recommended to address this. The Highways, Transport and Environment Team advise that notwithstanding the provision of the layby, provision may need to be made for a traffic regulation order and in view of the potential propensity for some indiscriminate parking due to some intensification of use from the previously approved scheme, it is considered that the ability for a Traffic Regulation Order to be provided as part of the layby should be made. Provision for this is included within the condition.
47. Residents have raised concerns over this proposal resulting in heavy traffic using Bentley Wynd and the associated narrow streets. It is considered that the number of large vehicles servicing the site would be relatively limited whilst there are no specific restrictions on the use of the associated highway network. It is anticipated that any stationary service vehicles within Bentley Wynd would not need to be there for any notable length of time and in view of all these matters, it is considered that the impacts of service vehicles would not be significant.
48. The Highways, Transport and Environment Team have raised concerns highlighting that it is not clear as to how servicing of the uses would take place without potentially obstructing footpaths with bins etc. The proposed use has two internal store areas, one associated with the bar and one with the kitchen. The kitchen store has doors which allow access onto Bentley Wynd. In view of these provisions, it is considered that subject to suitable control by condition, that adequate refuse and other storage can be accommodated in the building and would not need to result in obstruction of the adjacent footpaths and highways. A condition is therefore recommended to address this.
49. Local concern has been raised about the limited amount of parking provision within the site including from the Parish Council and the Highways, Transport and Environment Team. Objectors wish to see demonstration that adequate parking is provided on site or is available within the High Street to prevent parking related problems occurring. Core Strategy Development Plan Policy CS2 requires adequate parking to be provided in accordance with the Councils guidance document (SPD 3) whilst emerging Policy T4

'Local Parking Standards' advises that '*new developments and changes of use should be able to demonstrate sufficient accessible and convenient operational and non-operational parking for vehicles and cycles*'. Parking standards for hotel developments have two levels of provision, those for hotels within Stockton Town Centre and those for parking in 'other areas of the Borough'. There is a 10 fold increase of parking requirements for hotel parking provision in areas out- with Stockton Town Centre, from 1 space per 20 bedrooms to 1 space per 2 bedrooms. As this proposal includes a bar / bistro, additional parking is also required, totalling 16 spaces for the overall scheme. This proposed development indicates 4 spaces for staff and the Highways, Transport and Environment Team consider that some compromise can be made for parking although consider that even with some compromise, there is a shortfall of 6 spaces for the combined use. The Highways, Transport and Environment Team have advised that, based on survey work undertaken about parking in Yarm Centre, there remains to be a perception by some that parking is difficult to find within Yarm Centre.

50. It is understood that many of the businesses and residential properties within Yarm High Street do not have dedicated car parking which is a common feature of a historic centre and officers appreciate this can place certain demands on space in the immediate area and place a heavy reliance on public parking. Within Yarm, there is short stay parking along the length of the High Street and Long Stay Parking elsewhere. The proposed hotel and bar / bistro use has the ability to be utilised by persons already within Yarm Centre and will support linked trips to other uses / premises within the centre. The proposed uses are also in reasonable close proximity to Yarm Train Station (short taxi ride) and close to the bus stops within the High Street. This allows for reasonable use of public transport to be utilised. Visitors using hotels often arrive late afternoon and leave in the morning which would also serve to limit the impact of additional traffic. It is considered that it is not uncommon to find hotel provision within centres with either limited or no onsite parking and this is normally made clear to patrons when seeking to book either online or by telephone and is more a matter of management than provision. Parking restrictions in the surrounding streets should be able to address the matter or unauthorised parking should it occur. The application site occupies an accessible location that is well connected to the main High Street, and the proposed development is considered to have an acceptable impact on highway safety and connectivity. Whilst it is acknowledged that the Council's parking strategy has brought about improvements and proposals such as this should not undermine these improvements it is considered that the limited scale of the proposal with associated short fall in car parking would not be sufficiently severe as to result in a significant unacceptable impact on highway safety and the free flow of traffic. It is officers opinion therefore that whilst the impacts on highway provisions and parking provisions are material planning considerations, it is not considered, in the context of the National Planning Policy Framework that this would be a severe impact which is a critical test when considering the specific details of this proposal and its associated location.
51. Objection has been raised suggesting access to Yarm School would be seriously compromised although as this is on the opposing side of the High Street, it is considered there would be no adverse impact on the access to the school as a result of the proposed development.

### **Archaeology**

52. The development area is within the historic core of the medieval town of Yarm and Tees Archaeology have advised that archaeological trial trenching took place at the site in 2005 in support of an earlier planning application. These physical works on site demonstrated that the site contained well preserved archaeological deposits representing medieval activity from the 13th century onwards. The remains took the form of refuse pits, boundary ditches, hearths and possible post built structures. The site produced a substantial collection of medieval pottery and well preserved environmental deposits including fish bones and cereal grains. Tees Archaeology consider these deposits to be heritage assets which are important as they allow us to build up a picture of the economy, diet, agriculture, industry and environment of the town in the medieval period. As remains were noted at a shallow depth it was considered unlikely that there would be an engineering solution that would allow them to be preserved in situ and although the deposits are of local to regional importance, Tees Archaeology considered their value is not sufficient to warrant physical preservation, which is a balance of considerations required by para. 135 of the NPPF. Tees Archaeology consider the loss would be acceptable providing appropriate mitigation was provided by the developer which is recognised in the Combined Planning & Heritage Statement submission in relation to the scheme, which suggests that a 'strip and record' exercise or 'watching brief' would be appropriate. Tees Archaeology suggest this understates the level of archaeological work necessary to record deposits of this nature and that the developer should undertake a full archaeological excavation of the deposits prior to development taking place to appropriate professional standards. Any assets to be lost would need to be recorded and a condition is recommended to address these matters.

Subject to the condition, it is considered that there would be no impacts on Archaeological Assets which are not reasonably mitigated in accordance with the requirements of National Policy and saved Local Plan Policy EN30 which also requires appropriate recording of information where preservation in situ is not appropriate.

### ***Flood Risk***

53. The site lies within Flood Zone 3a which is defined as land where there is a 1 in 100 or greater annual probability of river flooding. A Flood Risk Assessment was submitted in support of the application.
54. The suitability of undertaking development within flood zone 3a is dependent on the vulnerability classification of the use proposed. In this case, a mix of bar/bistro and hotel uses. A restaurant is a less vulnerable use and a hotel is a more vulnerable use. A less vulnerable use is permitted within Flood Zone 3 subject to the application of the sequential test which is intended to ascertain whether any other sites in a lower category of flood zone could accommodate the use. The supporting Flood Risk Assessment makes no detailed comments of sequentially preferable sites. In considering the preference of the site in sequential terms, national planning guidance advises that a restaurant is a town centre use and officers accept that Yarm centre is already developed out with few available sites existing. Officers therefore accept that there are no known sites which could accommodate this use to serve Yarm. Furthermore, there is already an extant consent for the restaurant element of the scheme. The provision of a restaurant in this location is therefore considered to accord with national guidance on this matter.
55. The more vulnerable element of the proposed use (hotel) also requires the application of a sequential test to determine whether other sites are suitable to provide the building / use. The hotel is again a town centre use and Policy would therefore require it to be located within the town centre. Although the site is outside of the town centre boundary as defined within the saved Local Plan, the site is immediately adjacent and there are no known sites



within the centre that could accommodate this proposed use. As such, it is accepted that there are no sequentially preferable sites for the hotel.

56. As the hotel is a more vulnerable use in flood risk terms, it is also necessary to apply the Exception Test which advises that such development should only be approved if the development would result in wider sustainability benefits to the community. It is considered that the provision of a hotel within a town centre would support the local economy and the wider community whilst allow for linked trips which is also a sustainable benefit. Also of some relevance is that there is an extant permission for residential apartments at the site, a use which falls within the highly vulnerable use class in flood risk terms. This proposal would therefore reduce the 'vulnerability of flood risk' of the development proposed from that which could be implemented on site. This proposal would therefore reduce the 'vulnerability' level of the flood risk to a lower classification which is considered to weigh in favour of supporting the development of the hotel.
57. The Environment Agency (EA) have raised no objections to the proposed development subject to the imposition of a condition controlling the finished floor level of the building in the interests of flood risk. The EA stipulate a minimum floor level of 7.01m above ordnance datum (AOD). The site ranges from 7m AOD at the front to approx. 7.5mAOD at the rear which means the building height would not need to be artificially raised above existing ground levels. The EA have suggested it would be beneficial to raise the floor level above the minimum required height of 7.01mAOD although this would result in a larger structure and be notable raised in an area of the High Street where that is not a common feature. As such, the additional raising of the building is considered unsuitable in this instance.
58. The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of a sustainable drainage system within the site. The Highways Transport and Environment Team consider that the submitted flood risk assessment demonstrates that appropriate mitigation measures are to be implemented. At this stage the applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development and a condition is therefore recommended to address this.
59. The Environment Agency have suggested that Emergency planners should carefully consider the effects of flooding on the proposed development and be satisfied that robust evacuation and flood response procedures can be implemented and in order to address this. A condition is recommended which requires a Flood Evacuation procedure report to be provided prior to the building being brought into use whilst flood resilience measures are required for the proposed building and these would be achieved by condition.

### ***Impacts on Surrounding Properties***

60. The proposed building shares a boundary with no. 2 Bentley Wynd to the rear (residential property) and an approved but not yet built scheme of mews properties on the opposing side of Bentley Wynd. These are the closest properties to the proposed building upon which the building would have its greatest impacts. Properties on the opposing side of the High Street are at distances exceeding 19m which in a historic central location such as this is considered to be adequate to prevent any undue impacts on privacy, amenity, loss of light, or scale.

61. With regards to the impacts of the proposed building on the approved but yet to be constructed mews properties on Bentley Wynd, the front elevation of these properties would be 11m from the elevation of the proposed building. Again, in an area of tight knit development, this is generally considered to be reasonable, particularly as there is a highway in between. Notwithstanding this, it is considered appropriate to limit impacts on the privacy associated with opposing windows. The ground floor of the proposed use present bistro windows, hotel entrance and stairwell window onto Bentley Wynd and it is considered appropriate for these windows to be obscurely glazed / etched glass or similar to limit viewing between the uses. The upper two floors present several hotel room windows onto Bentley Wynd, some of which could be obscured to limit the extent of viewing between buildings. A condition is recommended to achieve a degree of limitation to overlooking between these two blocks of development. The approved mews development is in a tight knit central, town centre location where buildings would normally dominate one another to some extent. It is considered that the impacts of the scale of the building would not unduly affect the yet to be constructed mews on Bentley Wynd.
62. With regards to the impacts of the development on no. 2 Bentley Wynd, the proposed building would be within 4m of the boundary with that property which itself is located approximately 2.5m from the boundary, thereby achieving approximately 6.5m between elevations. Both buildings step into the site from this point thereby achieving greater separation between other parts of their respective elevations. Importantly, no.2 Bentley Wynd has its side elevation facing the proposed building. The proposed use has commercial kitchen and other windows at ground floor from which views would be generally obscured by virtue of the existing perimeter wall. At 1<sup>st</sup> and 2<sup>nd</sup> floors, windows facing no. 2 Bentley Wynd are obscured and as such, there would be no undue impacts on privacy between the two properties. The side elevation of the recently extended ground floor of 2 Bentley Wynd has a door and kitchen window with in which are likely to be affected by the scale of the proposed building in terms of light. However there are other windows serving that room and it is considered that the overall impact would not be significant. Concerns have been raised by the residents in this property over ventilation and noise although subject to conditions and for reasons detailed elsewhere within the report, it is considered that ventilation and noise could be reasonably controlled.
63. The hotel windows at first and second floor within the southern elevation of the proposed building face towards, and afford views over, the rear garden of no. 2 Bentley Wynd. To address matters of privacy and overlooking, these windows have been designed at an angle to allow views over only a small slither of the garden which would prevent any undue impacts on privacy associated with the garden. Furthermore, to prevent any perception of overlooking it is considered appropriate to require these windows to be obscurely glazed. A condition has been recommended to address this.

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

64. The Councils Environmental Health Team have advised that insufficient information has been submitted in respect to the assessment for contaminants on the site. Given the site is a former garage site and had historic building on it, it is considered necessary that appropriate site survey work, mitigation and remediation is undertaken to address any contamination on site. A condition is recommended to ensure this is achieved.
65. The proposed development exceeds 1000sqm of floorspace and there is a requirement under Core Strategy Development Plan Policy CS3 for 10% of the predicted energy demand to be provided by renewable sources. Officers accept the use of either renewables or a fabric first approach and a condition is recommended to address this.

66. The Highways, Transport and Environment Team have requested improvements to the public realm and public footpath to create a distinct and high quality entrance to the High Street. Whilst noted, the public realm area is not within the application site and their own works to place a new and high quality building on the High Street in place of a long term derelict site is considered to be a significant positive improvement and it is therefore considered that the requested improvements to public realm public footpath are unjustified.
67. The Environmental Health Officer has requested details of a grease trap to be installed within the commercial kitchen although this is a matter which would be addressed through Building Control Legislation and does not require duplication by planning controls.
68. Concern has been raised that the proposed building would affect protected trees within the garden of the adjacent property (2 Bentley Wynd). Whilst noted, the site is within an urban environment immediately adjacent to the town centre. The proposed building is set in from the boundaries of the site and it is therefore considered that any works to protected trees would not unduly affect their form and function in the wider context.
69. The walls to two sides of the site are considered to form part of the historic fabric of the area and should not be removed as part of the scheme. A condition is recommended to ensure this is achieved.
70. Core Strategy Development Plan Policy CS4(8) advises that support will be given to growth in sustainable tourism. The proposed hotel in Yarm centre in close proximity to Yarm Station and served by existing bus services operating within Yarm is considered to represent sustainable tourism and thereby accord with this policy.

## **CONCLUSION**

It is recommended that the application be Approved with Conditions for the reasons specified above.

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

## **WARD AND WARD COUNCILLORS**

Ward	Yarm
Ward Councillor	Councillor Ben Houchen
Ward Councillor	Councillor Elsi Hampton
Ward Councillor	Councillor Julia Whitehill

## **IMPLICATIONS**

Financial Implications: There are no known financial implications in determining this application.

Environmental Implications: The main environmental implications would relate to matters including the physical presence of the proposed building and its impact on the surrounding heritage assets and matters of flood risk which are considered to be able to be adequately dealt with via condition. There are no specific ecological issues associated with the site.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

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

### **Background Papers**

The Town and Country Planning Act 1990

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy Development Plan Document March 2010

Regeneration and Environment Local Plan – Publication February 2015

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder

SPD7 - Shop Front and Advertisement Design Guide