

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**26 October 2022**

**REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**22/1809/VARY**

**Land To Rear and Side Of 10 West Street, Yarm**

**Section 73 application to vary conditions no2 (Approved Plans) and no6 (Boundary Wall) of planning approval 20/2800/LAF - Construction of 59 no. space public car park with associated external works to include landscaping and boundary treatments. Works to include part demolition of existing buildings including steel framed canopy building and access ramp.**

**Expiry Date: 10 October 2022**

**SUMMARY**

The section 73 application seeks planning permission to vary 2no conditions from the original permission 20/2800/LAF relating to the construction of 59no. space public car park with associated external works.

Under Section 73 of the planning act, the application seeks to vary two conditions relating to condition no2 for the approved plans and no6 for the boundary wall from the original application reference 20/2800/LAF. The main changes to the scheme relate to;

- relocation of a pedestrian access to the site's southern boundary wall on Low Church Wynd;
- kerb lines amended to the West Street site entrance to allow for improved visibility when exiting the site;
- eastern boundary wall relocated further east;
- additional structural work to the northern boundary wall and variation in finishing materials.

The main planning considerations of the application are the impacts on the character of the area and impact on the amenity of neighbouring properties.

Three letters of objection were received from neighbouring residents, the principle concerns of the objectors were issues regarding amenity and the character of the area.

The development of this site and its layout was examined in detail when the previous application was considered and so the principle of a car park is already established. With this new application, no significant changes are made and overall it remains very similar to the scheme approved under 20/2800/LAF.

The impacts of the proposal have been considered against national and local planning guidance and the development as proposed is considered to be in line with general planning policies set out in the development plan. Overall it is considered there are no associated visual impacts, significant change to residential amenity or any impacts on highway safety. significant harm or worsen sufficiently the previously accepted level of impact. It is considered that the proposal is acceptable and is recommended for approval with conditions as set out below.

## **RECOMMENDATION**

**That planning application 22/1809/VARY be approved subject to the following conditions and informative:**

### **01 Approved Plans**

The development hereby approved shall be in accordance with the following approved plan(s);

<b>Plan Reference Number</b>	<b>Date Received</b>
TS10386-03-003F	15 August 2022
221185-SK1 REV 7 (1)	13 September 2022
221185-SK1 REV 7 (2)	13 September 2022
221185-SK1 REV 7 (3)	13 September 2022
221185-SK1 REV 7 (4)	13 September 2022
221185-SK1 REV 7 (5)	13 September 2022
221185-SK1 REV 7 (6)	13 September 2022
221185-SK1 REV 7 (7)	13 September 2022
221185-SK1 REV 7 (8)	13 September 2022
221185-SK1 REV 7 (9)	13 September 2022

Reason: To define the consent.

### **02 Variation to condition 2 and 6 only**

This approval relates solely to this application for the variation of condition 02 (Approved Plans) and condition 06 (Boundary Wall) and does not in any way discharge the conditions contained in planning approval 20/2800/LAF dated the 2<sup>nd</sup> June 2021 which conditions apply to this consent.

Reason: For the avoidance of doubt

### **03 External Finishing Materials**

The external finishing materials used within the northern boundary wall at the site as shown on approved plan 221185-SK1 REV 7 (2) shall be similar in appearance and size to that of the existing facing brickwork along the northern boundary wall of the site and shall be retained for the lifetime of the development unless expressly authorised in writing by the Local planning Authority.

Reason: In the interest of the character of the Yarm Conservation Area.

### **04 Additional Screening**

Prior to the site being brought into use, a section of trellising or fencing shall be erected in the north west corner adjacent to 8 West Street. Full details of the location and appearance of the trellising or fencing shall be submitted to and be agreeing in writing with the Local Planning Authority. Thereafter, the agreed treatment shall be installed in accordance with the agreed details and shall be maintained and retained for the lifetime of the development, unless otherwise expressly authorised in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the neighbouring premises.

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

### **Informative: Working Practices**

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

### **Informative: Northern Gas Networks**

There may be apparatus in the area that may be at risk during construction works and NGN require the promoter of these works to contact NGN directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

### **Informative: Asbestos**

All works requiring the removal of asbestos shall be carried out in full accordance with HSE Approved Code of Practise

## **BACKGROUND**

1. Planning Consent has been previously approved under application reference 20/2800/LAF on 2<sup>nd</sup> June 2021 for the construction of a 59no space public car park with associated external works to include landscaping and boundary treatments. Works to include part demolition of existing building including steel framed canopy building and access ramp.
2. A discharge of conditions application was made and part discharged, reference 21/3033/DCH, for conditions relating to no3 (Archaeological Work), no4 (Disposal of Surface Water, no6 (Boundary Wall), no8 (Ecological), no9 (Lighting, Signage and Management Strategy) and no10 (Contamination).

## **SITE AND SURROUNDINGS**

3. The site is to the rear and side of 10 West Street, Yarm with the associated Arncliffe Buildings. The site can be accessed via West Street and pedestrians can access the site via Low Church Wynd which leads to the High Street.
4. To the north of the site are residential properties at Bridge Court. To the east of the site is Yarm Viaduct and dwellings relating to Low Church Wynd. To the south of the site are the modern detached residential dwellings of West Mews and to the west, opposite the main entrance of the site, are dwellings at Westgate.
5. The site formally hosted a warehouse and associated hardstanding considered to be in a disused state. Presently, the consent given for the carpark under application reference 20/2800/LAF is nearing completion.

## **PROPOSAL**

6. The application seeks planning permission via a Section 73 application to vary 2no conditions relating to condition no2 for the Approved Plans and condition no6 for the boundary wall.
7. The proposed alterations to the original scheme include the relocation of a pedestrian access to the site's southern boundary wall on Low Church Wynd; kerb lines amended to the West Street site entrance to allow for improved visibility when exiting the site; the eastern boundary wall relocated further east; additional structural work to the northern boundary wall and variation in finishing materials.

## **CONSULTATIONS**

8. The following Consultations were notified and comments received are set out below (in summary):-
9. Northumbrian Water Limited – No comments to make on the proposal.

10. Canal and River Trust – No comments to make on the proposal.
11. Environmental Health – I have reviewed the new plans and I am of the opinion that the gap in the wall will cause minimal impact regarding additional noise/light impact on the nearby residential properties. The wall is thin and not very high and whilst it will provide some degree of noise control I don't think it would be significant. It is noted that there is another wall at the nearest property which will still offer some protection.  
  
The removal of the wall would be insufficient grounds for objection, although if it were bricked up it would offer some additional protection.  
  
An informative relating to potential onsite asbestos has been recommended.
12. Northern Gas Networks – No objections to the proposal. An informative relating to potential nearby apparatus has been recommended.
13. Highways Transport & Design Manager – No objections to the proposal.
14. Tees Archaeology – No objections to the proposal.
15. Network Rail – No objections to the proposal.
16. Environment Agency – No objections to the proposal.

#### **PUBLICITY**

17. Publicity has been given to the planning application through a site notice and neighbour notification letters. The letters of objection and support are set out below:

##### Mr David Jordan, 3 West Mews

The proposed change to the pedestrian exit and lighting arrangements bring closer to residential properties on West Mews, with associated additional intrusion on privacy and light pollution.

There is no reason for the change to lighting arrangements. This is not affected by Network Rail approvals.

The location of the pedestrian exist could, and should be further east, as close as possible to the original, approved design, so as to minimise the impact on neighbouring properties.

##### Mr Alan Judge, 8 West Street

The modern concrete capping stones are not in keeping with the Conservation Area and they prevent the replacement of the existing 600mm timber panels above the wall. This application therefore effectively reduces the height of the existing boundary of the wall topped by a fence of 600mm high timber panels. When added to the increase in the ground level of the new car park and the removal of a number of trees that were on the south side of the wall this means people in the car park will have a direct view into our garden. The construction with a secure concrete capping stones also makes it very easy for people to climb up onto what will be a relatively low wall.

You will know that full planning permission as required in 2005 for the replacement wall to the east of our garden, including agreement on the type of bricks for this conservation area; reclaimed bricks from 1850-1900 era were used to match. The approved application for the east wall include pillars extending 600mm above the wall with timber panels between the pillars. This matches the height of the existing wall and timber panels on the north side of the carpark.

Mr Paul Waterson, 4 West Mews

The current building work is not following the current plans, the entrance to the car park has been moved from the south east corner to directly opposite my home, its directly opposite my garden gate onto the lane way and opposite the opening to my kitchen, in the original submission the neighbouring properties requested that you have landscaping to the North and South of the plot to provide some visual amenity and not the east and west as planned, this was completely ignored and now I don't even have a wall separating me on the spot where its most needed.

My only worry is this not only that this new location doesn't provide any physical barrier between my home and the car park, instead its wide open and the ticket machine is in the place of the entrance, the other worry being this is an ideal spot for anti-social behaviour.

Alongside the entrance being put into a different location the lighting has moved from the southeast corner to directly outside my home, less than 10ft away from my son's bedroom window, the lighting which is due to be 24hr has moved into a worse position.

So far of the concerns of the neighbouring properties have been taken into consideration, surely there is a way to appease the neighbouring properties who not have to live next to a car park and proceed with the construction work, I think sticking to the original planned works is not too much to ask.

**PLANNING POLICY**

18. 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 Stockton on Tees Borough Council Local Plan 2019.
19. Section 143 of the Localism Act came into force on the 15 January 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 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**

20. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
21. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
  - approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. 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.

**Paragraph 109.** Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**Paragraph 130.** Planning policies and decisions should ensure that developments:

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**Paragraph 180.** Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life
- (c) limit the impact of light pollution from artificial light on local amenity

**Paragraph 190.** In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

**Paragraph 195.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**Paragraph 201.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

### **Local Planning Policy**

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

#### **Policy SD1 - Presumption in favour of Sustainable Development**

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development 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 NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

### **Policy SD5 - Natural, Built and Historic Environment**

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
- k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
- l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
- m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

- a. Directing development in accordance with Policies SD3 and SD4.
- b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
- c. Supporting sustainable water management within development proposals.
- d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
- e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
- f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:

- a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.
  - b. Ensuring monitoring of the historic environment is regularly undertaken.
  - c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.
  - d. Supporting proposals which positively respond to and enhance heritage assets.
  - e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.
4. Priorities for interventions to conserve and enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.

### **Policy SD6 – Transport and Infrastructure Strategy**

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.
4. To ensure residents needs for community infrastructure are met, where the requirement is fully justified and necessary, the Council will support planning applications which:
- a. Provide for the expansion and delivery of education and training facilities.
  - b. Provide and improve health facilities.
  - c. Provide opportunities to widen the Borough's cultural, sport, recreation and leisure offer.

### **Policy 8 (SD8) - Sustainable Design Principles**

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
  - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
  - c. Need to protect and enhance ecological and green infrastructure networks and assets;
  - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
  - e. Privacy and amenity of all existing and future occupants of land and buildings;
  - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
  - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
  - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

### **Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure**

#### **Delivering A Sustainable Transport Network**

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate its safe and efficient operation.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

## **Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets**

1. In order to promote and enhance local distinctiveness, 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 that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences.
6. The following are designated heritage assets:
  - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglescliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
  - d. Listed Buildings
9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.
11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.
12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.

### **MATERIAL PLANNING CONSIDERATIONS**

23. The site has existing planning permission for a 59no carpark under application reference 20/2800/LAF. The proposed development is a variation of the previously approved scheme, therefore, the principle of the development has been accepted as part of the original permission.
24. The changes brought about by the proposal, although minor, propose material changes in the circumstances relating to the previous decision. The main considerations are therefore the impacts on the character of the surrounding area and of the Yarm Conservation Area, the amenity of the surrounding neighbouring occupiers and highway safety considerations.

Impact on the character of the surrounding area

25. The NPPF and the adopted Local Plan encourage high standards of design with Local Plan Policy SD8 setting out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportion and materials to the main buildings.
26. Policy HE2 requires new development to positively respond to enhance heritage assets and conserve and enhance heritage assets, including their settings in a manner appropriate to their significance.
27. The eastern boundary wall and the pedestrian entrance of the site location on the southern boundary wall to Low Church Wynd have been repositioned. This is to avoid an area of land owned by Network Rail.
28. The proposed eastern boundary wall has been repositioned approximately 2 metres to the east of its original siting and would be constructed of similar facing brick as the existing southern boundary treatment. It is not considered that this would impact upon the character of the area and it would also have no impact on the appearance of the conservation area.
29. Comments have been made regarding the use of the materials for part of the northern wall. It is acknowledged that the structural supports used along the northern section of the boundary would be of a modern appearance. Whilst it would have demonstrated the modern intervention, such an approach in this instance is not considered to be sympathetic to the treatment with the overall approach of the car park and wider setting of the Yarm Conservation Area. Consequently, revised plans were sought to omit the use of modern facing materials and to implement a facing brickwork that would be similar in appearance to that of the existing established boundary wall to the north.
30. The proposed changes to the southern wall, include the relocation of the pedestrian entrance which is in effect a gap between the expanses of brickwork within the wall. The provision of an entrance is not considered dissimilar to that previously accepted and the change in position is not considered to result in any significant harm to the appearance or character of the conservation area.
31. It is considered that the proposed facing materials used in the boundary wall construction should generally blend in with examples of facing brickwork within the context of the immediate site. It is therefore considered, subject to the relevant condition, that the design or appearance of the proposal would not be of detriment to the character of the area, particularly that of Yarm Conservation area and the proposed changes therefore accord with Local Plan Policy SD8 and HE2.

Impact on the amenity of surrounding premises

32. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupiers of land and buildings.
33. The proposed changes to the eastern boundary wall are considered to be modest and given the scale and separation distances of c.15m between the boundary treatment and the adjacent dwellings (side elevation), it is not considered those changes would have an adverse impact on the amenity of adjacent occupiers.
34. The proposed northern boundary of the site retains the same footprint and the overall scale and orientation remains the same as the previous approval. It is therefore considered that the proposed boundary treatment is acceptable.
35. Comments have been made regarding amenity of the neighbouring occupiers to the north of the site. During the construction phase of the parent planning permission, an elevated pathway and landing was constructed to the northwest of the site to allow for access to a fire escape to the

rear of the Arncliffe Building. As the approved site levels plans from the parent application do not accommodate for this increase in levels of this area of hard landscaping at the site. Whilst noting that this is to serve a fire escape, given the public use of the car park there would remain the opportunity for patrons of the car park who might use or stand on the elevated pathway to achieve direct views into the neighbouring dwelling and rear amenity space.

36. Whilst it is acknowledged that the pathway would be used infrequently, there would be the perception of overlooking from the adjacent residents. In order to fully ensure that any overlooking is minimised, a condition has been agreed with the applicant that a section of trellising (or similar), which is in keeping with that of the existing northern boundary, shall be implemented to prevent overlooking. A planning condition is recommended to secure those details.
37. The proposed changes to the southern boundary wall to facilitate the relocation of the pedestrian access would potentially have the greatest impact on the occupiers of the adjacent dwellings in West Mews to the south. The relocation of the pedestrian entrance to this boundary were made to avoid Network Rail owned land and the entrance is proposed to be sited in this specific location due to a culvert running beneath it.
38. Comments have been made with regards to the impacts on the amenity of neighbouring occupiers to the south in West Mews. It is acknowledged that given the amended position of the entrance to the car park there is the potential for impacts on these residents as a result of its use. However, a pedestrian access to the southern boundary was previously included and although further to the east, the movement of pedestrians within the area has previously been agreed. In addition, Low Church Wynd is also a pedestrian throughfare to/from Yarm High Street and the overall increase in activity to the neighbours of West Mews needs to be considered within this overall context.
39. Environmental Health have been consulted on the application regarding the proposed relocation of the entrance to the southern boundary. Whilst it is acknowledged that 'stopping up' of the entrance or its relocation would limit some of the associated impacts. They also comment that due to the wall being relatively low and thin, it would afford little protection with regards to noise or light pollution from the site. Therefore, Environmental Health offer no grounds for objection to the proposal. Whilst 'stopping up' the entrance would appease the concerns of the neighbouring occupiers, given the limited difference it would make to preventing noise and disturbance/light pollution there are no justified planning grounds to seek the removal of the pedestrian entrance and re-instatement of the boundary wall on noise or light disturbance grounds.
40. The Highways Department have confirmed that 'stopping up' the entrance would result in only one entrance and exit to the site. The pedestrian walkways at the site have not been designed to accommodate for pedestrian movements at just one entrance/exit to the site and therefore, some of the walkways do not meet minimum spacing standards for pedestrians to safely navigate. If the site were to have no entrance to the southern boundary, it would mean that the layout of the carpark would need to be redesigned, subsequently, losing further car parking spaces to accommodate for an enlargement of the walkways.
41. Nevertheless, it is only the level of impact on amenity of the adjacent properties which could justify remedial action if that were deemed to be severe. Given the comments from the Environmental Health team, it is recognised that the previous approval would have resulted in noise and disturbance to the occupiers on West Mews given the walls limited protection. The change in the position of the pedestrian access is not considered to result in any significant harm or worsen sufficiently the previously accepted level of impact. The overall impacts are therefore considered to be minimal and would be acceptable in planning terms. In view of the above considerations, the proposal is not considered to have any additional significant impacts on its surroundings than the previously approved scheme.

Highway Safety

42. The proposed changes to the car park and access arrangements as set out within the proposal section of this report are considered to be minor changes. The Highways Transport and Design Manger has been consulted and offers no objections to the scheme. It is therefore considered that the proposal would, in the context of the NPPF, have a negligible impact on the highways network and is therefore acceptable.

Residual Matters

43. Comments have been made with regards to the lighting columns at the site. The proposed details of the lighting have been considered and discharged as part of a discharge application to the parent planning permission, application reference 21/3033/DCH. Environmental Health offered no objections to the proposed lighting scheme and its siting are considered to be acceptable.

**CONCLUSION**

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

**Director of Finance, Development and Business Services  
Contact Officer Joe Port. Telephone No. 01642 524362**

**WARD AND WARD COUNCILLORS**

<b>WARD</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Julia Whitehall</b>
<b>Ward Councillor</b>	<b>Councillor Andrew Sherris</b>
<b>Ward Councillor</b>	<b>Councillor Dan Fagan</b>

**IMPLICATIONS**

**Financial Implications:** N/A

**Environmental Implications:** N/A

**Background Papers:**

National Planning Policy Framework  
Stockton on Tees Local Plan Adopted 2019