

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
12th July 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/1308/COU

47 YARM LANE, STOCKTON-ON-TEES, TS18 3DL
CHANGE OF USE OF FIRST FLOOR TO HOSTEL WITH COMMON ROOMS,
DINING FACILITIES AND MANAGER'S OFFICE.
EXPIRY DATE: 22nd JUNE 2006

Summary:

The application site is a large two-storey property situated off Yarm Lane, Stockton; the immediate surrounding area is made up of a mix of both commercial and residential properties.

Planning consent is sought for a change of use for the first floor from offices to a hostel. The applicant's agent envisages that the proposed hostel would be used by contract workers.

This application is put before members of the planning committee at the request of the Local Ward Councillors.

Recommendations:

RECOMMENDED that application 06/1308/COU be refused for the following reason(s);

01. In the opinion of the Local Planning Authority the conversion of the first floor from office to hostel would result in lower amenity standards prevailing in the area by virtue of the proximity of the building to No.2 Lawrence Street and to the detriment of these residents and future occupiers of the premises amenity and privacy, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

02. It is considered that the proposed Hostel would result in an unacceptable intensification of a residential use in a residential area, resulting in an increase in noise and disturbance to the detriment of the existing residents amenity, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

03. In the opinion of the Local Planning Authority the proposed development by virtue of the insufficient on-site car parking is likely to result in vehicles parking on Yarm Lane hazardous to the free and safe flow of traffic, to the detriment of highway safety, contrary to Policy GP1 of the adopted Stockton on Tees Local Plan.

Policy GP1 of the adopted Stockton-on-Tees Local Plan is considered relevant to this decision.

History

1. The application site has a history of planning applications. In 1993 planning consent was approved for a change of use from a mixed use to tool hire centre (93/1846/P), while in 1998 planning permission for a change of use to a taxi booking office was refused (98/1238/P). More recently an application for a hotel has been received (06/1554/COU) and a further application for flats (06/1310/FUL) was withdrawn at the applicant's request.

The Proposal

2. The application site is a large two-storey property situated off Yarm Lane, Stockton. Commercial premises are situated at the ground floor and to the north and south of the property. Residential terraced properties are located to the west on Lawrence Street and Shaftesbury Street.
3. Planning consent is sought for a change of use of the first floor from offices to a hostel. The proposed internal arrangements are to include 9 bedrooms, canteen, games room, toilets and washroom facilities. The bedroom accommodation will consist mainly of twin rooms although provision is suggested for a 4 bed and a 6 bed room.
4. The applicants agent has commented that the hostel would be at the lower rental end of the market and it is envisaged that those using the premises would be most likely be contract workers. The facility would be like a bed and breakfast hotel, similar to the ones that already exist along the North end of Yarm Road.

Consultations

5. The following responses have been received from departments and bodies consulted by the Local Planning Authority

Environmental Health Unit

Further to your memorandum regarding the above, I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

- **Noise disturbance between living accommodation**

Due to the probability of noise complaints resulting from the intensified use of these residential premises, the building shall be provided with sound insulation, prior to being used, to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedroom in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Development and Regeneration

During January 2005, Stockton Borough Council commissioned a master planning exercise for Parkfield / Mill Lane. The key objective of the master planning exercise was to develop a series of options for the physical regeneration of the area and identify the preferred option which would then be developed to create a 'vision' for Parkfield / Mill Lane. Much of the masterplan flows from the original findings of the Neighbourhood Futures Study 2003.

One of the key issues emerging from the baseline assessment include:

- Demand for properties in the area by investors which creates problems in terms of large House in Multiple Occupation (HMO) properties and poorly managed private rented properties

The preferred Masterplan for Parkfield / Mill Lane indicates:

- Investment in circa 350 properties
- A reduction in the number of dwelling circa 360 properties and
- Development of circa 280 new homes

The result of the masterplan process has been to create a set of proposals that has a real impact and help achieve a new image for the area, providing a focus and an identity for the Parkfield and Mill Lane neighbourhood, and addressing the significant housing problems faced by the area.

The proposals deliver a major and comprehensive area of urban change that, whilst respecting the historic and local character of Parkfield / Mill Lane, creates an opportunity for an area of new high quality urban residential development capable of supporting a sustainable housing market for the long term.

47 Yarm Lane is situated in Phase 3 which is due to be implemented from April 2010, we feel if planning consent was to be granted this would be detrimental to our scheme and not fit in with the objectives whether it be full scale / part demolition or a large scale improvement scheme.

Parkfield already has a 2 homeless hostels as well as a number of bed and breakfast establishments, which are used for accommodating many homeless people. We are trying to encourage homeownership in this area and an over occurrence of hostel/hotel accommodation will only act to discourage these buyers away from the area.

Urban Renewal

Change of use of first floor to hostel with common rooms, dining facilities and managers office

47 Yarm Lane, Stockton-on-Tees.

I have studied the drawings and a letter has been sent to the architects requesting confirmation of the intended use of the property as they may not fully comply with the councils adopted standards for certain categories of Houses in Multiple Occupation, a copy of the letter is attached for your information.

However we have received a subsequent planning application, No. 06/1554 for this property indicating that it is to be a hotel.

I have discussed the proposal with the architect and he informs me that the developer intends to use the property for contract workers. If this is how the property is used the Urban Renewal Division would have no comments to make and class it as an hotel, as the premises would not be there principal residence.

It was explained to the architect that should the property be used to provide accommodation to persons who use it as there permanent or only residence then it would become a House in Multiple Occupation and may require to be licensed under the Housing Act 2004

Head of Integrated Transport and Environmental Policy

The Councils Design Guide & Specification for a non-central area requires 1 car parking space per 2 bedrooms, 1 space per 5m² public floor area and 2 cycles per 10 bedrooms.

However, I note this application is not for Hotel use but for use as a Hostel/Bed & Breakfast 'dormitory' style accommodation, which would allow a reduced car parking provision. However; the site has no incurtilage car parking provision.

Therefore, I object to the application, as it would lead to on street parking on Yam Lane, which is a heavily trafficked principal road and the surrounding residential streets which would be detrimental to the free flow of traffic and to highway safety.

6. The Local residents and occupiers have been individually notified of the application. The neighbour consultation period expired on the 23rd May 2006. 2 letters of objection have been received in relation to the proposed development.

Baines Jewitt – 41-45 Yarm Lane

We already have a situation where policies implemented in this area have led to a general deterioration and state of embarrassment with regards to the state of properties in this locality and general appearance of the area.

In recent times there has been some encouragement in the light of the investment in the new Health Centre and the Local Authorities consultation for the future development of the area.

Number 47 Yarm Lane has always been a commercial premises. Any change of use to hostel accommodation is not compatible with adjacent premises and question whether this is compatible with the fact that Yarm Lane remains one of the main access routes into the town.

Mark Burdon – 100 Yarm Lane

Cites that there are problems in the area with drug and alcohol users and that various types of ant-social behaviour is taking place on a daily basis at all times. Concerns are raised that the proposed change of use may encourage/increase this type of behaviour further.

Planning Policy Considerations

7. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) 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 Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
8. The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision;

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Material Planning Considerations

9. The main planning considerations of this application are the impacts on the character of the area, amenity of neighbouring occupiers and access and highway safety.

Impact on the character of the area.

10. The proposed development proposes minor changes to the external appearance of the unit, however this is unlikely to materially change its visual appearance significantly or worsen the existing visual appearance of the locality.
11. The proposed development in the opinion of the Local Planning Authority would result in an unacceptable intensification of a residential use in the locality and would be out of keeping with the surrounding residential area, contrary to the provisions of policy GP1 of the adopted Stockton on Tees Local Plan.

Impact on residential amenity.

12. The windows in the rear of the existing building are situated approximately 4 metres from the sidewall of No.2 Lawrence Street and approximately 6.5 metres from No.13 Shaftsbury Street. The Council's recommended distance from side-to-rear elevations on residential developments in a minimum of 11 metres in order to protect occupier's amenity and privacy. Whilst this arrangement may be historical it is considered that the intensification of its use via residential means, would worsen the situation in comparison to the existing consent for office use. It is therefore judged that the arrangement

between the two properties is unsuitable and would be detrimental to the amenity and privacy of No. 13 Shaftsbury Street and the future residents of the proposed hostel use.

13. Whilst obscure glazing may potentially address the privacy use issue, it is not considered that this would be suitable for the living conditions of the occupiers of the proposed hostel and may potentially result in overlooking problems when the windows are opened. Equally this would not negate the proximity of the application site and the sidewall of No. 2 Lawrence Street and the potentially overbearing impact No's. 2 Lawrence Street and 13 Shaftsbury Street would have on the future occupiers of the proposed development.
14. Also of concern is the noise and disturbance levels that the proposed development would have on the adjacent residential properties from all the comings and goings of the occupiers of the premises, in particular this may be attributed to problems associated with the private motor car and would have a detrimental impact on the existing level of residential amenity in the area.

Impact on Highway Safety.

15. The application site has no provision to provide off-street parking facilities for the hostel use. The Head of Integrated Transport and Environmental Policy has commented that given the lack of car parking provision on the site it is considered that the proposed development would lead to on-street parking on Yarm Lane, which is already heavily trafficked principal road and would therefore be detrimental to the free flow of traffic and highway safety.

Anti-social behaviour

16. Concerns have been raised in relation to existing anti-social behaviour problems in the area and the impact that the proposed development may lead to an increase in these problems. A case law decision by the West Midlands Probation committee stated that the fear or apprehension of crime and anti-social behaviour was material to the determination of a planning application. However, in this particular instance it is not considered that a hostel for contract workers would be sufficient enough to justify a reason for refusal of the application.

Conclusion.

17. Whilst the proposed change of use is in a sequentially suitable location being adjacent to the town centre and would bring into use a vacant first floor it is considered that the proposed impacts on the adjacent residential properties and the future occupiers of the unit are sufficient enough to warrant a refusal of the application. Concerns are also raised over the impact on highway safety and free flow of traffic along Yarm Lane, consequently the application is judged to be contrary to policy GP1 of the adopted Stockton on Tees Local Plan and is recommended for refusal.

Corporate Director of Development & Neighbourhood Services
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Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

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

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)

Planning Applications 06/1554/COU

Ward and Ward Councillors

Ward Parkfield And Oxbridge

Ward Councillors R Rix and C. Coombs