

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th April 2007

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

**07/0375/FUL
Stockton High Street next to the Shambles,
Erection of outdoor cafe and seating terrace**

Expiry Date 12th April 2007

Summary

The application seeks planning permission for the erection of an outdoor café and seating terrace at land in between the Shambles and Market Cross, Stockton High Street.

The area was formally used as underground toilets and has now been paved as highway land and is used by market stalls on market days.

A review of the market layout is currently underway and it is established that this area will not be used to site stalls in future regardless of the outcome of this application. The purpose behind the proposal is to contribute to the development of a high quality town centre environment, which encourages shoppers and visitors to increase the length of their stay and the amount of money they spend here.

The application is recommended for approval subject to conditions.

RECOMMENDATION

Recommended that Planning application 07/0375/FUL be approved subject to the following conditions: -

- 01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>RC02 A</i>	<i>15 February 2007</i>
<i>RC 01 A</i>	<i>15 February 2007</i>
<i>RC 03</i>	<i>15 February 2007</i>
<i>3668 04</i>	<i>15 February 2007</i>
<i>SBC 001</i>	<i>15 February 2007</i>

Reason: To define the consent.

- 02. No entertainment or use of amplification equipment shall be permitted unless evidence is provided to the reasonable satisfaction of the Local Planning Authority, to demonstrate that the are to be used is adequately attenuated to prevent nuisance to local residents/businesses and the written confirmation of the Local Planning Authority has first been obtained.**

Reason- In the interests of the amenities of the area.

- 03. The proposed café and seating terrace shall not be available to the public outside the hours of 7am and 10pm Monday to Saturday and 9am to 6pm Sunday.**

Reason- In the interests of the amenities of the occupiers of neighbouring premises

- 04. Notwithstanding the submitted information adequate bin/waste storage arrangements to the written satisfaction of the local planning authority shall be provided. This shall be implemented before the development is brought into use and retained for the life of the development.**

Reason- To ensure adequate waste storage for the development hereby permitted.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies in that there will be no adverse impact on the amenities of the town centre or conservation area as a result of the proposals and that there are no material planning considerations, which indicate that a decision should be otherwise.

Policies GP1 and EN24 of the Adopted Stockton on Tees Local Plan

BACKGROUND

1. The town centre manager and market forum are currently looking to improve the market re-establishing it as "The Queen of the North" and are looking at revisions to the layout and operation of the market as a whole. Although discussions are on going to the final layout of the market stalls it is established that this area which is currently used to site stalls on market days will not be used for stall provision in the future and will be a central focus area.

The Drivers Jonas Report of 2004 on the Town Centre recommended that

2. "Stalls on Stockton Market to be reconfigured so as to make use of the additional space available following demolition of the public toilets and alleviate congestion around the bus stops adjacent to the Castlegate Centre. A full consultation exercise will be undertaken with traders in order to achieve a layout which meets the requirements of both the Council an Traders so far as it is practicable to do so."
3. Consultation is currently on going with traders and ends on the 11th April 2007. A plan of the proposed layout is attached as an appendix which clearly shows that, regardless of the success or otherwise of the café kiosk proposal, a flexible space would be created in the area formerly occupied by the public toilets; furthermore,

traders currently sited in front of the Castlegate centre have been accommodated within the new layout without encroaching on that area. Finally, it is of note that with the exception of the Castlegate traders, no trader has been displaced significantly from his/her current trading position under the new proposals.

THE PROPOSAL

4. The application looks to establish an outdoor café use, consisting of a food preparation unit and outdoor seating terrace approximately 6m by 14m on the High Street.
5. The food preparation van will be decorated with photomontages of prominent Stockton sites to minimise the visual impact. A seating terrace area will be created with a raised deck area and ramp for disabled access and a glazed screen and planting surround, to minimise visual clutter. The proposed use of the facility will be as a café coffee/ sandwich facility.

CONSULTATIONS

6. The following Consultees were notified and the comments they made are summarised below: -

Stockton Police Station - Eddie Lincoln

No comments received

Head of Technical Services

No objection

Landscape Officer

I believe the development will have a beneficial impact upon the character of the High Street and as a result I have no objection to the application.

Development And Regeneration

No comments received

Care For Your Area

The current bin storage indicated is not acceptable. Internal storage needs to be provided to the satisfaction of the authority and bin storage on the highway is unacceptable. Collection arrangements can be agreed with waste management and the applicant should approach Service Stockton to make adequate arrangements.

Councillors

No comments received

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.

Entertainment noise disturbance

No entertainment or use of amplification equipment shall be permitted unless evidence is provided to the reasonable satisfaction of the Local Planning Authority, to

demonstrate that the rooms to be used are adequately attenuated to prevent nuisance to local residents/businesses and the written confirmation of the Local Planning Authority has first been obtained.

Noise disturbance from access and egress to the premises

The opening hours should be limited to ensure that residential/business premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

Food Safety/ Hygiene

An adequate number of sanitary appliances must be made available to members of staff and customers during opening hours. As a guide see below:

1 WC 1 urinal and 1 wash hand basin for males

2 WCs, 2 wash hand basins for females

Sue Burgess- Stockton Town Centre Manager

I support this application as it meets with our aspirations for the development of a high quality town centre environment, which encourages shoppers and visitors to increase the length of their stay (dwell) and the amount of money they spend here. The one remaining issue to address is the provision of toilet facilities for staff outside the hours when the Shambles toilets are available and I am aware that Mr Wilson has had discussions with nearby businesses who are happy to accommodate this requirement on an informal basis. Should this be deemed unsatisfactory and this issue prove a barrier to the success of his application, Mr Wilson is prepared to restrict his opening times to match the available facilities i.e. not to trade on Sundays.

Please note that some discussions have been held with market traders in the immediate vicinity of the proposed location as they became aware of the application in advance of its submission. However, it should be noted that under current proposals for realignment of the market, the area in question would be clear of market traders' stalls whether the application is successful or not.

Reuben Kench- Arts and Culture Manager

The scheme as a whole seems likely to benefit the High Street, however, I think the screening around the platform is too high and effectively creates a glazed building rather than a covered seating area, this reduces the feeling of being in an outdoor social space. In addition, this very closed feel sends the message that if you can't afford or don't want a latte and a Panini you can't sit and watch the world go by in Stockton.

PUBLICITY

7. Neighbours were notified and the comments received are summarised below): -

44 letters of objection have been received in regards to the application of which 43 were standard letters and one individual letter of objection.

The letters have come from market traders who object to the café predominantly on the grounds of: -

Relocation of existing market stalls

Disturbance to the balance of the existing market

Existing adequate provision of catering facilities within the town centre.

PLANNING POLICY CONSIDERATION

8. The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

Policy GP1

9. 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.

Policy EN24

10. 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

MATERIAL PLANNING CONSIDERATIONS

11. The application seeks planning permission for the erection of an outdoor café and seating terrace in between the Shambles and Market Cross, Stockton High Street. The High street falls within the Stockton Town Centre Conservation area and the neighbouring buildings are listed.
12. The area is a mix use town centre with an established market held on the High Street on Wednesday, Friday's and Saturdays. On market days this area is currently used to site a variety of market stalls.
13. The Town Centre Manager and Market Forum are currently looking to improve the market re-establishing it as "The Queen of the North" and are looking at various revisions to the layout and current operation.

14. Plans for the revised market layout are currently out to consultation and have been agreed in principle by the market forum. This plan shows the area as open space, a central focus area and adaptable for performance etc.
15. Concerns have been raised by the market traders that the introduction of the facility would impinge on the successful operation of the market service and create conflict between existing stallholders and increase competition.
16. The proposed use would take up approximately a third of this area, which although reducing the available performance area leaves a significant area of highway land for alternative uses.
17. Regardless of the current application the town centre manager has stated that it is not proposed to site market stalls in this location as part of the market revamp. The revised layout of the market is a separate consideration which is being given due attention by the market forum. It is not considered that the proposed café use will in any way impact on the operation of the market as a whole.
18. Issues of competition and demand between businesses/stallholders are not material planning considerations and cannot be considered as part of the application.
19. As the unit would be situated on local authority highway land the local authority has control over implementation of the proposal and any associated licensing issues. As part of any licensing agreement the local authority can also control opening hours, waste disposal and reinstatement of the highway should the facility cease to operate.
20. Public toilet provision is available in the neighbouring Shambles, which is a local authority run public service open from 8.45am to 5pm, currently closed on Sundays. It states in the design and access statement that arrangements have been made with the nearby McDonalds restaurant to allow access to toilets during the hours at which the shambles will be closed. The operations manager from McDonalds has stated in writing that no such provision has been made. There is scope for the applicant to explore such arrangements with neighbouring businesses or to utilise the Shambles and this issue is fundamentally a licensing issue for future operation of the premises to be discussed with environmental health and not a planning issue.
21. The bin storage facility proposed is currently unacceptable to waste management and it is considered that further discussions with the applicant and waste services are needed to address the issue. This however is considered to be a resolvable issue and can be conditioned as part of any planning approval.
22. Supports for the glazed structure will be internal as will all seating and it is not considered that there will be any impact on pedestrian safety from the structure.
23. It is considered that the glazed surround of the structure and raised decking area will allow visual penetration to and from the seating area at the same time minimising visual clutter and creating a sense of privacy. The design is modern yet it is considered that this will fit well as a temporary structure within the surrounding historic environment.

CONCLUSION

24. On balance it is considered that the café proposed will form an additional offer within the High street benefiting the town centre and creating vitality. The design has been chosen to fit with the surrounding uses creating minimum visual clutter. It is not considered that the proposed use will have any undue impact on Town centre amenity and is recommended for approval with condition for the reasons outlined above.

Corporate Director of Development and 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 Local Plan
Planning Application 07/0375/FUL

Ward	Stockton Town Centre
Ward Councillor	Councillor D. W. Coleman
Ward	Stockton Town Centre
Ward Councillor	Councillor P. Kirton