

DELEGATED

AGENDA NO

PLANNING COMMITTEE

25th April 2007

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

07/0375/FUL

**Stockton High Street, next to Shambles
Erection of Outdoor cafe and seating terrace**

Expiry Date 12th April 2007

Summary

Members will recall that the application was deferred at committee on the 4th of April 2007 in order for various matters to be resolved relating to the proposed use and to await the outcome of the meeting of the Market forum on 11th April 2007.

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.

The revised market layout was agreed at the market forum meeting of the 11th of April, which shows the application site clear of market stalls.

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.***

Plan Reference Number Date on Plan

RC02 A	15 February 2007
RC 01 A	15 February 2007
RC 03	15 February 2007
3668 04	15 February 2007
SBC 001	15 February 2007

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 application has been considered in line with policies GP1 and EN24 of the Stockton on Tees local plan. It is considered that the application 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.

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.
2. The Drivers Jonas Report of 2004 on the Town Centre recommended that
 "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. The revised market layout has now been agreed and plans of the proposed layouts are attached as appendices which clearly show 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.
4. 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

5. The application looks to establish an outdoor café are, consisting of a food preparation unit and outdoor seating terrace approximately 6m by 14m on the High Street.
6. The food preparation van will be decorated with photomontages of prominent Stockton sites to minimise the visual impact on the surrounding historic environment, which includes close proximity to the listed Town Hall, Shambles and Market Cross.
7. 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.

CONSULTATIONS

8. The following Consultations were notified and the comments they made are below: -

Stockton Police

9. No comments received

Engineers And Transportation

10. No objection

Landscape Officer

11. Believes the development will have a beneficial impact upon the character of the High Street and have no objection to the application.

Development And Regeneration

12. No comments received

Care For Your Area

13. Refuses collection arrangements can be agreed with waste management and the applicant should approach Service Stockton/care for your area to make adequate arrangements.

Councillors

14. No comments received

Environmental Health Unit

15. Environmental Health have agreed with the applicant that:
1. Staff sanitary accommodation will be provided by ensuring shared access to an adjoining business.
 2. Public sanitary accommodation will be available via the Shambles and opening hours will be limited accordingly.
 3. Hand washing facilities for food handlers will be available in the unit.

If any of these are not adhered to, enforcement action can be taken by Environmental Health under the Food Hygiene Regulations, Health and Safety at Work Act 1974 or Local Government Miscellaneous Provisions Act 1982, so it is not necessary to require any planning conditions for these matters.

No objection to this application and recommend the following conditions:

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, that the unit is adequately noise 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.

Sue Burgess- Stockton Town Centre Manager

16. 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 area in question would be clear of market traders' stalls whether the application is successful or not.

Reuben Kench- Arts and Culture Manager

17. 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.

Market Forum

18. Minutes of the meetings of the 11th of April and 14th of March are included as appendices to the report as no formal comments to the application have been received.

PUBLICITY

19. Neighbours were notified and any comments received are below: -

44 letters of objection have been received in regards to the application.

These have been 43 standard letters of petition 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

20. 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

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

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

21. 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.
22. The area is a mix use town centre with an established successful 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.
23. 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. Plans for the revised market layout were agreed in principle by the market forum on the 11th of April. This plan shows the area as open space, a central focus area and adaptable for performance.
24. 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.
25. In addition the local authority will retain control over the land and should the land be required for Stockton International Riverside Festival then removal of the unit at certain times could be incorporated into a licensing agreement. 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.
26. 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. Issues of competition and demand between businesses/stallholders are not material planning considerations and cannot be considered as part of the application.
27. It is considered that the majority of objections from market traders arose from the uncertainty of the revised market layout. The new layout has been formally agreed and it is not considered that the proposed café use will in any way impact on the operation of the market as a whole.
28. 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.
29. 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.
30. 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. Environmental health are confident that adequate facilities can be provided and controlled under the Food Hygiene Regulations, Health and Safety at Work Act 1974 or Local Government Miscellaneous Provisions Act 1982.

31. Service Stockton are confident that sufficient refuse collection arrangements can be made for the facility and the applicant should contact them directly to make adequate provision; this will be conditioned as part of any planning approval.
32. 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.
33. 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 height of the structure has been designed to provide adequate shelter from the often-unpredictable climate of the High Street.
34. The design is modern yet it is considered that this will fit well as a temporary structure within the surrounding historic environment.
35. The café will make daily use of what otherwise could be 'dead space' within the High Street and it is considered it will add vibrancy and offer within the town centre.

CONCLUSION

36. It is considered that the café will form an additional offer within the High Street benefiting the Town Centre and creating vitality.
37. The design has been chosen to fit with the surrounding uses creating minimum visual clutter.
38. It is not considered that the proposed use will have any adverse impact on Town Centre amenity; the operation of the market or SIRF and the application is recommended for approval with condition for the reasons outlined above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Fiona Short
Telephone No 01642 526271
Email address development.control@stockton.gov.uk

Ward **Stockton Town Centre**
Ward Councillor **Councillor P. Kirton and Councillor D Coleman**

Financial implications

As report

Environmental Implications

As 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

Human Rights Implications

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

Background Papers

Stockton-on-Tees Local Plan 1997