

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 9TH January 2008

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

07/2893/OUT

Norwood Car Sales, Alma Street, Stockton-on-Tees

Outline application for erection of 7 no. storey mixed use development containing; Retail and commercial space and the erection of 45 No. self-contained apartments with 45 No. parking spaces and associated means of access

Expiry Date 29 January 2008

SUMMARY

The application site is an irregular shaped plot located on the corner of Bishopton Lane and Allison Street that has a large arched frontage on the south-eastern elevation towards these two main roads, while the Alma Centre lies to the north of the site. Within the immediate area is a mix of commercial properties some with residential uses above.

Outline planning consent is sought for the erection of a 7 storey mixed use office block containing retail and commercial space and the erection of 45no. self contained apartments with associated parking. The applicants request that the layout, scale and means of access are considered with the external appearance and landscaping to be reserved for a future planning application.

The proposed development is considered to have a detrimental impact on the residential amenity on the existing neighbouring occupiers and will result in the future occupiers of the development having a lower standard of amenity than could reasonably be expected and fails to demonstrate the proposal will not have a detrimental impact on the highway network or the character of the area.

RECOMMENDATION

Planning application 07/2893/OUT to be refused for the following reason(s);

01. In the opinion of the Local Planning Authority the proposed arrangement of the proposed development would result in amenity standards below that which could reasonably be expected for the existing and future residents, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

02. In the opinion of the Local Planning Authority the applicants have failed to satisfactorily demonstrate through the submitted Transport Statement that the proposed development would not have a detrimental impact on the freeflow of traffic upon the local highway network, contrary to policy GP1 of the adopted Stockton on Tees Local Plan

03. In the opinion of the local planning authority the proposal is considered unacceptable as no information has been provided with the planning application to enable a proper assessment of the impact of the development on the character of the surrounding area contrary to Policy GP1 of the Adopted Stockton on tees Local Plan

BACKGROUND

In December 2003 a planning application was submitted and approved for the erection of a new car showroom with 8 no. flats above. This application (03/3007/FUL) detailed a new three storey building in the north-west corner of the site with the showroom occupying the ground floor and the eight one bedroom apartments occupying the first and second floors.

A further application (05/2605/OUT) was approved by members of the planning committee subject to a section 106 agreement for outline planning consent for the erection of 36no. apartments, where only the landscaping was left as a reserved matter.

In 2006 a revised application (06/3064/FUL) sought planning consent for the erection of 43 no. two bedroom flats with associated car parking, cycle store and bin store. The design of the development was largely the same as the previous scheme ranging from four to seven storeys.

PROPOSAL

Outline planning consent is sought for the erection of a 7 storey mixed use office block containing retail and commercial space and the erection of 45no. self contained apartments with associated parking.

The applicants request that the layout, scale and means of access are considered with the external appearance and landscaping to be reserved for a future planning application.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Environmental Health Unit

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
- Noise disturbance from adjacent road traffic

Urban Design Engineers

I refer to your memo dated: 7 November 2007

General Summary

Urban Design require a revised Transport Statement in order to fully assess the impact of this proposal, as detailed below.

Highways Comments

The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition and SPD 3: Parking Provision for New Developments, and to that end I comment as follows:-

Car parking has been shown on the submitted plans at a rate of one per residential unit, which is acceptable.

The submitted Transport Statement makes no reference to vehicle trips and the effect they may or may not have on the junctions located nearby. The statement should also be in accordance with the new Guidance on Transport Assessments published March 2007, yet it is not. The applicant consistently refers to the previous application and its approval, yet this is a new application and new applicant so therefore should be assessed independently from the previous one.

As the statement stands at present I cannot support the application as it does not adequately assess the proposed impact this development may or may not have on the surrounding local highway network.

As part of the previous permission (06/3064/ful) a S106 Agreement was put in place to cover the costs of the following off site highway works deemed necessary as a result of the application:-

- On street parking on Alma Street may effect the proposed development, therefore waiting restrictions on Alma Street should be extended to alleviate this. This should be fully funded by the developer.
- Footway links to the Town Centre should be improved by the installation of tactile paving and dropped kerbs at the new site access. This should be fully funded by the developer.

It is likely that a S106 Agreement will be required to cover off site highway works should permission be granted.

Landscape & Visual Comments

The treatment along the frontage with Allison Street is crucial. The site is in a gateway location and the detail design of the appearance of the front elevation of the building along with the front boundary treatment to the car park requires careful consideration. Innovative design ideas/materials will be expected in these locations. Therefore details of the proposed hard and soft landscaping and boundary treatments are required. Full details should be provided to the following minimum standard:

- A detailed landscape plan for hard construction indicating materials and construction methods.
 - A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
- This must include details of the roof garden design.

Public Open Space Provision

- The scheme will require a commuted lump sum in respect of open space provision. I recommend that a commuted lump sum be established that will contribute towards active recreation within the nearby area of the application site. Ms S. Edward of Parks and Green Space will be able to confirm any off site contribution.

Overall, I have no objection to the application.

Built Environment Comments

I have no objection in principle to the application and make the following comments:

As mentioned above, the site is in a gateway location and it is important that the treatment of the proposed building façade reflects this. Also because of the overall height and massing of the building, it is important that there is a sense of pedestrian scale at ground floor level. Careful external detailing to the ground floor needs to be considered and the concept that the ground floor is to be used for retail will help aid that sense of pedestrian scale.

The proposed iconic gateway building will complement the existing Arc theatre building to the south and provide a focal point from each of the approach roads. This gateway building theme needs to continue into the night and therefore I would recommend that a lighting strategy is submitted detailing both functional and ambient feature lighting.

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make

Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason;

A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicants full cost.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Northern Gas Networks

No objections

NEDL

No objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity.

Spatial Plans

Part of the site is outside of the defined town centre boundary and is therefore contrary to the sequential approach to retail / office development. A key consideration therefore will be whether the application is supported by a robust justification including a need and sequential test in accordance with PPS6.

PUBLICITY

The application has been advertised through the local press, a site notice and letters to the neighbouring residents. A total of 3 letters of objection have been received in relation to the proposal, these comments are detailed below (in summary).

Proposed building will be out of character
Loss of daylight
Contemporary building will differ from surroundings
Turning and manoeuvring in the site will be difficult
Question of need for further flatted development
Development will increase on-street parking
Worsen existing problems with the drains
Loss of privacy
Increase traffic

PLANNING POLICY

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

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 Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

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

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 HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Policy S1

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres at :
- C) The Local Centres at :
- D) The Neighbourhood Centres at :

Policy S2

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.

Policy S6

Outwith the Primary Shopping Area (*ie* the Primary and Secondary Shopping Frontages as shown on the Proposals Map), the Council seeks to maintain and strengthen the vitality and viability of the wider Stockton Town Centre defined on the Proposals Map, and will encourage proposals for development and change of use for a wide range of commercial, shopping, community, residential and leisure uses within the Town Centre boundary providing that: -

- i) They have no adverse effect on the amenity of the surrounding area in terms of level of activity associated with: –
 - 1) Noise;
 - 2) Pollution;
 - 3) Levels of traffic;
 - 4) Opening hours - where appropriate will restrict hours of business in accordance with the Councils Licensing Policy.
- ii) They do not result in a continuous group of more than four units of Use Class A3, A4 and A5 (restaurants, bars and hot food takeaways)

Planning Policy Statement 1: Delivering Sustainable Development; Planning Policy Statement 3: Housing and Planning Policy Statement 6: Planning for Town Centres are also considered to be relevant to this decision.

SITE AND SURROUNDINGS

The application site is an irregular shaped plot located on the corner of Bishopton Lane and Allison Street that has a large arched frontage on the south-eastern elevation towards these two main roads, while the Alma Centre lies to the north of the site. Within the immediate area is a mix of commercial properties some with residential uses above. Access to the premises is to remain via the existing access off Alma Street.

A black palisade fence currently provides security to the former car sales area. The site lies on the fringe of the town centre although part of the southern end of the site lies within the defined Stockton Town Centres as detailed in the Local Plan Alteration No. 1 proposals map.

MATERIAL PLANNING CONSIDERATIONS

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.

Principle of development;

The application site lies within the limits to development; therefore the application is subject to Local Plan policies GP1, HO3, HO11 and the Councils Supplementary Planning Guidance on Flatted Development. Planning Policy Statement 3 outlines that priority to re-using previously developed land within urban areas and creating more sustainable patterns of development near to public transport and local services.

The site meets the criteria for high density development as outlined in the Council's Supplementary Planning Guidance for high density/flatted developments (SPG no.4) and has previously had planning consent granted for 43no. flats. Given the above and the previous approval the principle of residential development on the site is still considered to be acceptable.

As the southern element of the site lies within the defined Stockton Town Centre boundary the principle of new retail and commercial space in this location is considered to be acceptable. Although part of the proposed retail area and commercial space as detailed within the application lie outside the defined town centre boundary it is considered that as this is only a small element of the proposal the principle of the additional retail/commercial area is in this instance considered to be acceptable and is not sufficient enough to justify a refusal of the application.

Character of the area;

As the application is in outline and as the external appearance is to be a reserved matter only the principle of the scale and massing needs to be considered at this stage.

Concerns have been raised from the neighbouring occupiers in relation to the proposed development differing from the surrounding units and being out of character. Whilst there are no objections in principle to a contemporary development the application and supporting information only details the scale and massing of the unit. Given the prominent nature of the site the Local Planning Authority consider that it is necessary for the external appearance of the unit to also be considered and ensure a high-quality development on this gateway site into Stockton Town Centre.

The outline planning consent is therefore at this stage considered to be inappropriate and the development is considered contrary to policy GP1 in this respect.

Amenity of neighbouring occupiers;

Several of the neighbouring occupiers have raised concerns in relation to the impact of the development on their general amenity. The proposed development would occupy the vast majority

of the southern area of the site. Although no window positions are detailed within the application the plans show that the majority of the rooms facing the neighbouring property would be either living/dining rooms or bedrooms, given the distance to the caretakers dwelling (to the north of the centre of the site) is only 13 metres away there are therefore serious concerns over the impact of the development on the residential amenity of the caretakers dwelling and also in terms of the future residential amenity of the future occupiers of the scheme.

Given this limited distance between the proposed development and the caretakers dwelling and the overall height of the development, it is also considered that the seven storey development would have a dominating and overbearing impact on the residents of the caretakers dwelling contrary to policies GP1 and HO11 of the adopted Stockton on Tees Local Plan.

Whilst there is little amenity provision for the development within the site, during the previous applications it was accepted that given the nearby open space provision a contribution towards open space in line with the Council's formula would be acceptable. Given the number of proposed flats remains similar to that of the original applications it is again considered that this is an acceptable solution.

Given the proposed development results in the building being situated closer to neighbouring properties than the previously approved development there are serious concerns over the impacts of the development on the residential amenity of the current and future occupiers of the caretaker's property. The proposal is therefore considered to be contrary to policies GP1 and HO11 of the adopted Local Plan in this instance.

Access and highway safety;

The Council's Highway Engineers have considered the proposed development in relation to the impacts of the development on the highway network and the parking provision for the development.

Concerns have been raised in relation to the development and potential parking problems in the area. The car parking provision at a rate of one per residential unit, is considered to be acceptable and in line with the Council's SPD No.3 given the proximity to the Town Centre.

However, the submitted Transport Statement makes no reference to vehicle trips and the effect they may or may not have on the junctions located nearby. Whilst it is acknowledged that there have been previous approvals the proposal does differ and this is a new application and therefore should be assessed independently from the previous one. The application does not therefore adequately assess the proposed impact this development may or may not have on the surrounding local highway network and is considered to be contrary to policy GP1 in this respect.

Residual issues;

One of the objectors has raised questions over the need for further flatted developments. The Local Planning Authority at this time does not have any information to support this statement and given that Planning Guidance encourages the more efficient use of land, particularly in sustainable locations the principle of high-density developments in this location is considered acceptable.

One objection has also been received in relation to the development worsening existing problems with the drains. However, drainage is not a material planning consideration and would be a matter for the developer and Northumbrian Water.

CONCLUSION

In conclusion the proposed development is considered to have a detrimental impact on the residential amenity on the existing neighbouring occupiers and will result in the future occupiers of the development having a lower standard of amenity than could reasonably be expected.

Concerns are also raised in that the application fails to demonstrate the proposal will not have a detrimental impact on the highway network or the character of the area. The proposed development is therefore considered to be contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

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|------------------------|---------------------------------|
| Ward | Stockton Town Centre |
| Ward Councillor | Councillor D. W. Coleman |

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| Ward | Stockton Town Centre |
| Ward Councillor | Councillor P. Kirton |