

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
17TH DECEMBER 2008**

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

08/2400/FUL

**Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees
Demolition of existing college and replacement with two/three storey scheme and parking facilities, retention and refurbishment of existing sports hall and provision of parking facilities for stockton town football club**

Expiry Date 9 February 2009

SUMMARY

The application site lies on the corner of Oxbridge Avenue and Bishopton Road West. The playing fields occupy the eastern area of the site, adjacent to Oxbridge Avenue. The existing college buildings occupy a central location within the site and main parking areas in the western area of the site. Within the site there are several large mature trees which due to the high amenity value for the surrounding area have been covered by a Tree Preservation Order.

Planning permission is sought for the demolition and re-building of the existing sixth form college. The new building would create approximately 9,900m² of floor space. The proposal would result in the creation of a modern and exciting building that should act as a landmark building and incorporate a range of modern facilities for the students enrolled at the site. The supporting information also indicates that the building is also designed to achieve a good BREEAM score.

The redevelopment of the site is to take place in 2 phases, the first phases will involve the construction of the college on the land to the west of the existing buildings. Once this has been complete and the college have transferred across to the new building, the existing building and facilities will be demolished and will make way for the car parking/landscaping areas.

The application is put before members, as a total of nine objections have been received in relation to the proposed development.

The proposed development is considered to be visually acceptable and will not have a detrimental impact on the character of the area or the amenity of the neighbouring residents. The development is also not considered to pose any significant risk to flood risk or access and highway safety. Whilst at present issues may remain with the impact on Bats, it is considered that a Bat mitigation strategy can satisfactorily address this issue and consequently the proposed development is considered to be acceptable.

RECOMMENDATION

It is recommended that Planning application 08/2400/FUL be approved subject to a satisfactory Bat Mitigation Strategy being received and the following conditions below;

- 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>
6725-A-100-G1-L00	25 July 2008
A-100-G2-L00-1	25 July 2008
A-100-G2-L00-2	25 July 2008
A-100-G2-L00-3	25 July 2008
A-100-G2-L01-1	25 July 2008
A-100-G2-L01-2	25 July 2008
A-100-G24-ROOF	25 July 2008
A-100-G2-L02-1	25 July 2008
A-100-G2-L02-2	25 July 2008
A-100-G2-X01	25 July 2008
A-100-G2-X02	25 July 2008
A-100-G2-X03	25 July 2008
A-100-G2-E01	25 July 2008
A-100-G2-E02	25 July 2008
A-100-G2-E03	25 July 2008
C1002	25 July 2008
3544/L/02/ A	25 July 2008
3544/L/01 D	25 July 2008
3544/L/02/B	19 September 2008
A-100G7-FC CAR PARKING A	15 September 2008
3544/L/01 F	19 September 2008
LANDSCAPE MANAGEMENT PLAN	19 September 2008
FLOOD RISK	10 November 2008
24240208-SKE13	19 November 2008
SK-E-013 REV A	19 November 2008
SK-E-012 REV A	19 November 2008
3544/L/02/C	13 November 2008
SBC002A - D (STREET FURNITURE)	19 November 2008
SBC003 - (GREEN ROOF)	19 November 2008
PROTECTED SPECIES REPORT	17 October 2008
6725-A-100-G7-L00 REV B	3 December 2008
A-C63-G7-TEMP CAR PARKING REV A	3 December 2008

Reason: To define the consent.

02 Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Reason: To enable the Local Planning Authority to control details of the proposed development.

03 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason; The scheme shall also include details of how the scheme shall be maintained and managed after completion.

04 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason; To prevent pollution of the water environment.

05 Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg. incidental buildings, public art and street furniture).

Reason: In the interests of visual amenity.

06 Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include the avoidance in changes in levels under the branch spread of the trees, where trees roots are encountered only hand digging will be allowed, all services to be routed away from all retained trees to prevent the severance of roots during excavation and details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

07 Notwithstanding any description submitted as part of the application a detailed scheme showing how the planting beds in the car parking area will be constructed, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with these agreed details.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

- 08 A detailed method statement of how the Zelkova and Cedar trees are to be moved, lifted and replanted within the site shall be submitted to and approved in writing by the Local Planning Authority, all works shall be carried out in accordance with these agreed details.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

- 09 Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.**

Reason: To define the consent

- 10 Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of a scheme for refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.**

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.

- 11 Details of a car park management plan for the development shall be submitted to and approved in writing by the Local Planning Authority, such details shall include how the car park is to be operated out of college hours. The agreed scheme shall be implemented in accordance with the agreed details.**

Reason: In the interests of highway safety.

- 12 Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures and actions of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.**

Reason; To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

- 13 Notwithstanding any information contained within this application full details of the number of covered cycle storage facilities in accordance with the findings of the travel plan shall be submitted to and agreed in writing with the Local Planning Authority within six months of the occupation of the hereby approved development. Such agreed details shall be implemented in accordance with these details**

Reason: To ensure a satisfactory form of development.

- 14 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).**

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

- 15 Prior to commencement of development details of demolition of the existing college buildings and the removal of all detritus arising from those operations shall be submitted to for consideration and approval the Local Planning Authority. Those details, shall be submitted in writing and amongst others include schemes for the management of dust and noise, a timetable of works,. The approved scheme(s) and details shall be implemented in full.**

Reason: To prevent dust and noise nuisance, ensure removal of existing leisure centre, ensure safe and secure pedestrian and vehicular access to the store hereby permitted and in the interests of visual amenity, highway safety and the amenity of the occupants of neighbouring occupiers.

- 16 Details of the external appearance of the external lighting of the buildings and car-parking areas shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.**

Reason: To avoid light pollution in the interests of the visual amenities of the area.

- 17 The hereby approved development shall not be occupied until a detailed landscaping/planting scheme for the land edged in blue on plan SBC001 has been submitted has been submitted to and agreed in writing with the Local Planning Authority. The agreed landscaping/planting shall be carried out in accordance with the approved scheme and shall be carried out in accordance with a timetable approved by the Local Planning Authority. All the landscaping/planting works forming part of the agreed scheme will be completed prior to the occupation of the hereby approved development and shall be in accordance with the Local Planning Authority's written approval; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.**

Reason: In the interest of the visual amenities of the locality

- 17 Details of the condition in relation to the protected species shall be provided as part of the update report.**

Reason;

INFORMATIVE:

The proposal is considered to be visually acceptable and does not pose a significant risk to flooding, highway safety the amenity of neighbouring occupiers or to protected species. The development has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered not be to the detriment of the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

GP1 – General Principles, EN6 – Protected Species and EN32a – Flood Risk, PPS1 and PPS9.

PROPOSAL

1. Planning consent is sought for the demolition and re-building of the existing sixth form college. The new building would create approximately 9,900m² of floor space with the primary objective of increasing participation and achievement on all full time courses (GCSE, A-Level and AS-Level). The redevelopment of the site will help to meet future teaching needs and address Health and safety deficiencies with the existing college.
2. The proposal would result in the creation of a modern and exciting building that should act as a landmark building and incorporate a range of modern facilities for the students enrolled at the site. The building is designed with a central spine with a 'ribbon' element to provide frontage and interact with the surroundings. The supporting information also indicates that the building is also designed to achieve a good BREEAM score.
3. The proposed building is detailed as measuring a maximum of 134m (long) x 102m (wide) and height a maximum height of approximately 11.5 metres
4. The redevelopment of the site is to take place in 2 phases, the first phases will involve the construction of the college on the land to the west of the existing buildings. Once this has been complete and the college have transferred across to the new building, the existing building and facilities will be demolished and will make way for the car parking/landscaping areas.
5. The opening hours of the college are 08.30-17.00, with the dance studio and football club being used 18.00-22.00 1-2 days each week and 10.00 – 17.00 on Saturday.

CONSULTATIONS

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

Urban Design Engineers

I refer to your memo dated: email

Reference drawing no. Site plan 6725-A-100-G7-L00 rev B
A-C63-G7-Temp Car Parking rev A

General Summary

Urban Design has no objection to this application subject to the comments below:

Highways Comments

I refer to the above revised plans received and comment as follows:

Pedestrian access to the college is satisfactory and welcome the introduction of a footway across the frontage of the site to reduce the possibility of anti-social behaviour to the rear of the college, pedestrian links across the site are also satisfactory. The overrun areas located near the entrance to facilitate coaches are adequate as auto tracking has been checked and as previously noted the bus/coach bay is in an acceptable location.

The exact amount of cycle parking for this development should be in line with the findings of the full travel plan and this should be conditioned as part of any approval.

The proposed access indicated on the site plan is in an acceptable location as junction spacing of 37m and 43m respectively are achieved. Visibility splays of 2.4m x 70m are achievable as they are indicated on drawing number C1008 provided by the Highway Consultant. The junction width of approximately 8m and kerb radii of 8m also shown on the drawing are acceptable. Autotracking of a service vehicle has also been provided. There are however no details of how refuse will be

stored and collected from the site, including provision for recycling facilities. A refuse management plan will therefore be required.

A S278 agreement is required for this proposed access and in order to close the existing access to vehicles. The S278 agreement should also include the relocated pedestrian crossing which is indicated on the drawing in the most convenient location available, between 2 bus stops and not affecting driveways.

The Council's standards require provision of 1 car parking space per 0.8 full time member of staff, 1 space per 2 other members of staff and 1 space per 15 students. It is assumed that the level of car parking will be sufficient as it is similar to the current level, however details of staff numbers are required in order to verify this. The submitted travel plan indicates that there are around 1000 students, therefore it is noted that a provision of 67 spaces for them is required. The Council is keen to encourage alternative modes to the private car, therefore a full travel plan should be submitted within six months of the development opening and should be conditioned as part of any approval.

It is assumed that the vehicle gates will remain open for the duration of the college day and the automatic barrier is located in an appropriate location so that it is unlikely to affect the free flow of traffic on Bishopton Road West whilst cars gain access to the site. A car park management plan should be conditioned in order to manage the out of hours operation of the site. Appropriate car park lighting and surveillance should also be introduced.

The revised temporary car parking layout is acceptable and overcomes my concerns about the location of the access.

Football club car parking is acceptable and I am satisfied that a minibus could turn and drive out in a forward gear. Pedestrian access in this location is also acceptable.

Landscape & Visual Comments

Regarding the above revised dwgs I make the following comments (please note no landscape drawing was received last ref planting proposals 3544/1/02/B):

As regards dwg. A-C63-G7-Temp Car Parking rev A - damage to any existing trees must be avoided and all work should conform to BS 5837 Trees in relation to Construction. All new tree planting should conform to safe distances away any service runs or temporary road ways.

As regards drawing Site plan 6725-A-100-G7-L00 rev B -

The fencing details should conform to those already approved – the solid round bar railings as per memo ref 2400ful3.

The hedge planting between the parking bays will struggle to grow and could indeed fail unless the planting bed is well detailed – we would advise the use of urban tree soil in the beds which extends below the level of hardcore needed for the car park surfacing – the surfacing of the car park should be block paving to allow water to permeate through the ground to the hedge roots below. We request details showing how these planting beds will be constructed.

We understand the existing playing pitches are to be retained with existing drainage.

The following issues are still outstanding and need resolving as per comments in memo 2400ful1-

Hard Landscaping – we understand further details of hard landscaping will be issued soon as per our previous comments/concerns:

The applicant should demonstrate the construction methods and surfaces types used to minimise root damage to existing trees most notably around the disabled parking bays and cycle parking and locker areas and access paths on the north eastern side of the college.

The resin bonded surface is still laid over a wide expanse and would benefit from being broken up through some detailing or change of material to allow for this.

Landscape management plan and addendum to tree report – details still required as follows:
The addendum to tree report is limited on detail and we request actual details (method statements) of how the trees will be lifted – ‘the trees’ being the mature Zelkova and Cedar.

The Environment Agency

The Environment Agency wishes to WITHDRAW our previous objection to the proposed development and if planning permission is granted, we recommend the following planning CONDITION be imposed:

CONDITION: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding.

The FRA provided by WSP consultants ref: 24240208/KR/KH dated 05 August 2008 confirms the site is situated in the low risk flood zone. Surface water run-off rates may change but detailed drainage design is to be agreed at a later stage. The proposed development will only be acceptable if a planning condition is imposed requiring the above drainage details.

The Agency has received a Flood Risk Assessment, (FRA), provided by WSP which we understand has been provided to support the planning application. The Agency has been reliant on the accuracy and completeness of the FRA in undertaking our view, and can take no responsibility for incorrect data or interpretation made by the authors.

From our previous response dated 4th September 2008, (Ref: NA/2008/102454/01-L01) we still wish to recommend the following planning CONDITION be imposed:

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

Then following matters should also be taken into consideration:

Sustainable Energy Use / Renewable Energy Generation

We consider any future planning application should incorporate Sustainable Energy Use / Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the emerging Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 39 (Sustainable Energy Use) and 40 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings. In addition, we consider the proposed development should have embedded a minimum of 10% energy supply from renewable resources.

The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Northumbrian Water Limited

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

Condition

Development shall not commence until a detailed scheme for the disposal of surface water from 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

To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 Development and Flood Risk and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely

Soakaway
Watercourse and finally
Sewer.

If sewer is the only option the developer should contact New Development Team at NWL Leat House Pattinson Road, Washington NE38 8LB to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Natural England

Thank you for consulting Natural England on the above proposal. Documentation entitled "Stockton Sixth Form College Stockton Protected Species Report, October 2008".

Based on the information provided, Natural England has outstanding concerns regarding the proposal at this stage as it considers that further information should be provided with the application to demonstrate whether or not the development would have an adverse effect on species especially protected by law. Our concerns relate to Bats and Reptiles and our key issues are detailed later in this letter. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 to PPS9 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

It is the responsibility of the local planning authority to fully assess the proposal in accordance with their duty on biodiversity issues under; Section 40(1) of the Natural Environment & Rural Communities Act 2006; Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 and; Section 74 of the Countryside & Rights of Way Act 2000, to ensure that the potential impact of development on species and habitats of principal importance is addressed. It is the

responsibility of the applicant to provide this information to allow this assessment to be undertaken. **As the competent authority, the local planning authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.** It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably qualified and experienced persons holding any licences that may be required. Further information about survey methods and mitigation measures may be found on the following web site <http://www.naturalengland.org.uk/conservation/wildlife-management-licensing>.

The Local planning authority should normally expect to receive a protected species report with a full description of the proposal, thorough survey for protected species, clear impact assessment, appropriate and detailed mitigation strategy and associated delivery mechanisms.

With regard to this application Natural England has concerns regarding the potential adverse impacts upon protected species and advises that further information or key amendments are made to the supporting information to address these concerns as follows:

Bats

- Natural England previously received an Extended Phase 1 and Bat Report relating to this application following survey work that was carried out in January 2008. In this report the consultant recommended that if works were to be carried out to the buildings, that nocturnal surveys should take place (dusk emergence and dawn roosting surveys). They recommended that the survey work should be carried out between the period of May-September. Natural England advised that results of this survey work should then be used to inform a suitable mitigation strategy, with referral to section 5.6 of the Bat Mitigation Guidelines (English Nature) and section 6.4 of *Bat Surveys Good Practice Guidelines* (Bat Conservation Trust, 2007).
- Natural England notes that in the additional October report, only one nocturnal survey has been carried out on 28th September. Whilst bats are still active at this time, the survey was outside of the optimum period and does not conform with guidelines. Absence of bats in buildings is much harder to prove than presence and there is proven bat activity in this area. With this being a complex of buildings that are due to be demolished and with there being suitable habitat adjacent to the site, Natural England feels that there is insufficient information in this report for the Local Planning Authority to make an informed decision and additional bat activity surveys, including during the bat maternity season will be required.
- Natural England also advised that appropriate precautionary working practices should be developed. The precautionary working practices should be agreed by the local planning authority and conditioned as part of any permission granted; including timing work (including demolition) to avoid sensitive times of year, for example, to avoid killing and injury of bats. Careful working methods must be used to avoid harming bats that might be present. Natural England notes that the October report does not include this information and feels that there is insufficient information for the Local Planning Authority to make an informed decision as to whether the demolition will be carried out in a way that avoids harm to bats.

Reptiles

- From the initial survey in January there was clearly reptile habitat on site, but it was unclear how this would be affected by the proposed development. Natural England was unable to provide advice without knowing the impacts of this proposal on this species. Reptiles are protected from the Wildlife and Countryside Act from killing and injury so must be given

consideration as required by PPS9. In the October Protected Species Report (section 4.5) the consultant states that there are small sections of habitat with the potential to support reptiles surrounding the brook and there is terrestrial habitat around the unmanaged playing fields. The consultant has also said that the hardstanding and amenity grassland areas all form a partial barrier to dispersal into and around the site. Hardstanding and grassland are not considered to be a barrier to reptile movement. Many reptiles are found on disused industrial sites and use areas of hardstanding for basking. Natural England refers you to Froglife Advice Sheet 10 "Reptile Survey" and suggests the information within this document should be used when carrying out a reptile impact assessment on this site. It will be important for the ecological consultants to explain how their assessment adheres to the guidance within the document.

- Great Crested Newts & Water Voles
Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect on these species. However, the local planning authority may wish to attach an informative based on the information in ODPM Circular 06/2005 Part IV B and C if planning permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to this species.

Any revised survey work submitted to the Local Planning Authority should be assessed by the LPA against the issues raised above. The ecologist should be informed of what is proposed for this development as this is not clear in the Phase 1 Survey. **If the revisions are considered adequate, the LPA does not need to re-consult Natural England.**

If the LPA feels that any of the issues have not been adequately addressed, they may wish to reconsult Natural England regarding these specific points.

Additional comments – 26/11/08

Following my letter to you on 12 November I have received updated information direct from the ecologist regarding the above proposal (see email below). As this proposal is still in the process of being determined Natural England would not normally comment on proposals outside of the formal planning process, however on this occasion I have looked at the information.

Grass Snake

The updated information regarding this species addresses my concerns. I recommend that details of the reptile displacement works are added to the original report. There should be confirmation in the report that an ecologist is present whilst this work is taking place. I also recommend that there should be confirmation in the report that once all natural refugia is removed and vegetation is strimmed that the area must be kept free of vegetation, rubble etc. whilst works are taking place. These points should be added to the original report and secured as planning conditions.

Bats

Although it is considered that the college buildings are low risk, the ecologist has not ruled out use by bats. As I said in my letter absence of bats in buildings is much harder to prove than presence and the survey work does not conform to Bat Mitigation Guidelines with being outside of the optimum period. Although the college buildings are not due to be demolished until 2010 survey work cannot be conditioned in line with PPS9. If surveys are not carried out before planning permission is granted this would be against PPS9 (Circular 06/05 explains its requirements).

Natural England will be happy to comment on any formal consultations received from the planning authority regarding this proposal.

Northern Gas Networks

No objections

CE Electric UK

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

Tees Valley Wildlife Trust

Thanks for your request and various attachments. Our view is as follows.

Published guidance from Defra (following the Cornwall County Council case of 2002) is that the planning decision is the start of the derogation process from the strict protection provided for bats by the Habitats Regulations.

Given the level of information provided to date, it is still possible that a bat roost could be found in the buildings. If this were the case, then the established legal view is that the LPA would not be able to enforce the same level of protection for bats through planning conditions as it would through the planning decision.

The ecological consultant identified suitable features for roosting bats and made the recommendation that a survey be carried out at a suitable time. The fact that a bat emergence survey was carried out in September indicates that they believe the building has scope for roosting bats.

The survey at the end of September is not sufficient to confirm that bats are not using the site for maternity roosts / other roosting during their most active season. Entrances to a maternity roost vacated in mid-August could feasibly be cobwebbed by end September, so this is not sufficient to indicate that the buildings are not used by bats.

If a survey discovers a bat roost then a mitigation scheme may need to be licensed by Defra, who can request written evidence of how the planning committee considered the requirements of the Regulations prior to granting planning permission.

We accept that there is only a small probability that a significant bat roost will be found at the site. It is unfortunate that the ecological consultant failed to visit the site in July or August to provide the necessary assurances.

Local Ward Councillor – Aidan Cockerill

After visiting the site the only concerns I have are

1. The placing of the entrance road, will this conflict with the roads opposite and the bus stop on Bishopton road west ?
2. Will there be adequate screening onto Oxbridge Avenue?
3. The amount of car parking spaces has decreased, which is a major concern for nearby residents, I do appreciate this item will not affect my own ward but is important nonetheless
4. Overall I am in favour of the development as it will enhance the BSF programme

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

• Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the

Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the work

- **Construction Noise**

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

- **Dust Control**

Before the development commences the applicant shall submit a dust management plan to control emission of dust from demolition and construction activities

PUBLICITY

7. Neighbours were notified and any a total of 9 objections have been received to the proposed development, the issues raised are detailed below (in summary);

- Less floorspace is provided than existing
- Demolition and rebuilt is an expensive option
- Noise, dust and pollutions relating to the demolition of the existing college
- Problems with parking provision
- Issues with location of the proposed access
- Issues with accessibility for disabled users
- Noise/disturbance
- Pollution from car park
- Materials not appropriate
- Issues of license for Stockton FC
- Worsen existing traffic problems
- Car park to be locked at night/out of hours
- Lights switched off
- Car headlights will shine in neighbouring residential dwellings
- Increase traffic
- Access is not acceptable and will cause further traffic problems
- Full security fencing to be provided

PLANNING POLICY

8. 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).

9. 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 EN6

Development proposals likely to result in harm to a protected plant or animal species or its habitat will not be permitted unless satisfactory provisions for these species have been made.

Policy EN32a

Proposals for new development will not be permitted within Flood Zones 2 or 3 as shown on the Proposals Map, or other areas identified as at risk of flooding, unless the applicant can demonstrate by means of a Flood Risk Assessment and sequential tests that:-

- i) there is no alternative site at no risk or at lower risk of flooding; and
- ii) there will be no increased risk of flooding to the development; and
- iii) there will be no increase in risk of flooding elsewhere as a result of the development.

Where permission is granted for development in flood risk areas, or for development that would increase the risk of flooding, appropriate flood alleviation or mitigation measures, to be funded by the developer, must be undertaken.

Other Planning Policy documents considered to be relevant to the determination of this application are;

- PPS1 – Delivering Sustainable Development
- PPS9 - Biodiversity and Geological Conservation

SITE AND SURROUNDINGS

10. The application site lies on the corner of Oxbridge Avenue and Bishopton Road West. The playing fields occupy the eastern area of the site, adjacent to Oxbridge Avenue. The existing college buildings occupies a central location within the site and main parking areas in the western area of the site. Within the site there are several large mature trees which due to the high amenity value for the surrounding area have been covered by a Tree Preservation Order.
11. The existing college buildings are of a dated appearance and not aesthetically pleasing having been built in the 1960's when its design was functional and built for purpose. The buildings are predominately of two and three storey's although there are also a few single storey buildings/extensions.
12. More mature residential properties are to the north of the site on both Bishopton Road West and on the Whitehouse estate located off Bishopton Road West. Our lady and St Bede's School also lies to the west of the site.
13. New residential properties lies to the south of the site with those of Chivers Court and Ashmead View being closest to the application site. The college site and this new development are also separated by an area of open space.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations of this application are the impacts of the development on planning policies, the impact on the character of the area, the amenity of the neighbouring occupiers, flood risk, the impact on protected species, access and highway safety.

Principle of development;

15. The application site currently has a permitted educational use and this use is to remain unchanged as part of the re-development of the site. The principle of the demolition of the

existing buildings and the construction of a new building is therefore considered to be acceptable subject to the relevant policies of the adopted Stockton on Tees Local Plan.

16. Policies GP1, EN6 and EN32a of the Local Plan are therefore considered relevant to the determination of the application along with National Planning guidance in the form of PPS1 and PPS9.

Impact on the character of the area;

17. The proposed development would result in the loss of the existing college buildings that are considered both dated and not particularly attractive. The new building will provide an exciting and unique design and is considered to be a landmark building that would contribute positively to the local area.
18. Whilst the proposal is of a modern design and use modern materials, it is set back from Bishopton Road West and would be well integrated into the existing landscape and proposed additional planting. It is considered that the development would create an attractive environment.
19. Further landscaping is proposed in and around the car parking area that will also help to both screen and break up the hardstanding areas. Overall the proposed development is considered to be visually acceptable and in accordance with PPS1, the development would improve the character and quality of the area.
20. The landscaping details in terms of the species mix and densities are considered to be acceptable. Details in relation to the construction of the planting beds is still required and this can be addressed via a planning condition along with hard landscaping details, tree protection and the translocation of two existing mature trees
21. Some additional planting is also detailed on land outside the college's ownership and a planning condition is recommended in order to address this issue and insure that this complements a landscaping scheme that is yet to be agreed as part of the recent housing development to the south of the college site.
22. The proposed development is therefore considered to accord with Policy GP1 of the adopted Local Plan and PPS1 in this respect.

Amenity of the neighbouring occupiers;

23. All the neighbouring properties are in excess of 21 metres from the proposed development and given the existing educational use on the site it is not considered that the rebuild of the college would result in any significant loss of amenity or privacy to the surrounding residential properties so as to justify a refusal of the application.
24. As detailed on the site layout plan, there is considered to be sufficient open space and amenity areas surrounding the new college and associated parking areas for future students and users. This also allows for meaningful landscaping to be incorporated into the site and provide a high quality environment. It is therefore considered that the proposed development does not represent an over-development of the site.
25. The Environmental Health Unit have assessed the proposals and the information supplied. Due to the number of and proximity of the surrounding residential properties there are concerns over the environmental impacts on neighbouring residents. Of particular concern are instances of construction noise and also in relation to dust control. Both of these issues can be satisfactorily addressed via planning conditions,

Flood risk,

26. The Environment Agency have withdrawn its previous objection arising from a lack of a flood risk assessment which has now been received. It is now satisfied that the proposal will not have a detrimental impact on flood risk in the area.
27. They have however requested that conditions be imposed on the development with respect to details relating to surface water drainage and the requirement for an oil interceptor(s). Given that these issues can be addressed via a planning condition there is no objections to the proposal for the Environment Agency.
28. Consequently the proposed development is considered to be in accordance with Policy ENB32a of the adopted Stockton on Tees Local Plan.

Impact on protected species,

29. Protected species reports have been received in relation to the proposed development and Natural England consider that with reference to Great Crested Newts, Water Voles and Reptiles the development will not have any significant impacts on these species. There are however, some outstanding issues in relation to Bats and in particular the potential for roost bats.
30. Whilst there appears to be only a slight chance of roosting Bats within the existing building, a worst case scenario should be expected. To that end a Bat Mitigation Strategy is to be provided in order that the Bats future can be safeguarded. Should further survey clearly show that there are no roosting bats then this mitigation aspect can be reconsidered.
31. The applicants ecological consultants are currently preparing a mitigation strategy and one is expected to be received in the near future. It is considered that this issue can be addressed via a planning condition once the mitigation Strategy has been received this matter will be detailed within an update report.
32. Therefore, subject to an acceptable Bat Mitigation Strategy being received it is not considered that the proposed development will have an unacceptable impact on protected species and therefore the development is considered to accord with policy EN6 of the Local Plan.

Access and highway safety;

33. Whilst the concerns of the local residents in respect of parking provision and access arrangements have been noted, the Head of Technical Services has considered the proposed information supplied and the relevant amended plans in relation to the site layout and temporary car park layout. In his view the pedestrian linkages, parking provision and access arrangements are all considered to be satisfactory.
34. Details in relation to the total number of cycle parking (tied in to green travel plan), refuse and recycling provision and collection, car park management plan for out of hours use, and the need for a green travel plan can all be conditioned upon approval.
35. The proposed development is therefore, in highway terms, acceptable and will not have a detrimental impact on pedestrian or highway safety. The proposal is therefore considered to accord with policy GP1 in this respect.

Residual Issues;

36. Concerns have been received in relation to the accessibility of the site for disabled users, whilst these concerns are appreciated the building will have to meeting the accessibility requirement as set out in the Building control regulations.

37. Issues raised in terms of the overall floor space of the development, security fencing and the expense of demolition and re-built are matters for the Sixth Form College and are not material planning considerations.
38. Equally the issue raised in terms of a license for Stockton FC is a separate issue from planning and is a matter for the licensing committee and does not form part of this planning application.
39. Comments from the Environmental Health Unit in relation to unexpected land contamination is not considered to be a valid planning condition, as it is considered unnecessary given the existing use and therefore fails to meet the tests for planning conditions.

CONCLUSION

40. In conclusion the proposed development is considered to be visually acceptable and will not have a detrimental impact on the character of the area or the amenity of the neighbouring residents. The development is also not considered to pose any significant risk to flood risk or access and highway safety.
41. Whilst at present issues may remain with the impact on Bats, it is considered that the awaited Bat mitigation strategy should satisfactorily address this issue and consequently the proposed development is considered to be acceptable. The proposed development is considered to be in accordance with Policies GP1, EN5 and EN32a of the adopted Local Plan and national planning guidance in the form of PPS1 and PPS9, and is subsequently recommended for approval.

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

As report

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
 Tees Valley Structure Plan
 Planning Policy Statement 1
 Planning Policy Statement 9

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WARD AND WARD COUNCILLORS

Ward	Grangefield
Ward Councillor	Councillor P Broughton
Ward	Grangefield
Ward Councillor	Councillor A Cockrill