

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 20 MAY 2009

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

09/0500/FUL

**Former Rocket Building, 1A Railway Terrace, Thornaby
Demolition of existing buildings and erection of cafe/bar with 196 student apartments
(revised scheme)**

Expiry Date 4 June 2009

SUMMARY

Members will recall that a previous application (08/2713/FUL) for student accommodation was refused by the Planning Committee on 26th November 2008.

Planning consent is sought for the erection of 196 no. student bedrooms and a café/bar. The accommodation is to be provided across two separate buildings; the overall design of the building is of a more traditional approach and is based on a series of converted warehouses.

The application site is a two-storey building with a large industrial style building with associated car parking to the east, which formed the former Rocket Union. A variety of commercial units are in close proximity to the application site, comprising of a mix of industrial, warehousing and retail uses. The Grade II listed Thornaby Town Hall lies to the west of the site,

In summary the overall design, scale and massing is considered to be acceptable, however, it is considered that there is insufficient space or opportunities for landscaping. Equally concerns are also raised in relation to the lack of parking provision on site and the subsequent implications for highway safety. Whilst it is appreciated that the development may have some regeneration benefits, it is not considered that the argument over the need has been satisfactorily addressed to demonstrate that there is a clear proven need for the development.

RECOMMENDATION

Planning application 09/0500/FUL be Refused for the following reasons:-

01. In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate how they will meet a proven need for the development; contrary to the Council's adopted interim student accommodation policy guidance document.

02. In the opinion of the Local Planning Authority the proposed development fails to enhance the character of an area, create a sense of place and provide a high quality environment by virtue of the lack of space for a high quality landscaping scheme, contrary to saved policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and National Planning Guidance in the form of PPS1 and PPS3

03. The proposed development by virtue of the lack of sufficient incurtilage car parking will lead to on street parking in the surrounding area, to the detriment of the free flow of traffic and pedestrian safety, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

BACKGROUND

1. Members will recall that a previous application (08/2713/FUL) for student accommodation was refused by the Planning Committee on 26th November 2008 for the reasons outlined below;

“01 In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate how they will meet a proven need for the development; contrary to the Council’s adopted interim student accommodation policy guidance document.

02 In the opinion of the local planning authority the external appearance of the proposed development would adversely affect the character of the area contrary to saved policy GP1 (1) of the Adopted Stockton on Tees Local Plan

03 In the opinion of the local planning authority the development would detract from the setting of a listed building and is thereby contrary to the saved policy EN 28 of the Adopted Stockton on Tees Local Plan”

PROPOSAL

2. Planning consent is sought for the erection of 196 no. Student bedrooms and a café/bar. The accommodation is to be provided across two separate buildings,
3. The overall design of the building is of a more traditional approach and is based on a series of converted warehouses. The buildings range from three and a half storey’s adjacent to the listed Thornaby Town Hall to 7 and a half storey’s at the east of the site. The proposal indicates the use of brick and render and expanses of glazing, although the final materials would be formally agreed through the use of a planning condition.
4. Access is provided along the southern boundary of the site and gives access to 5 no. disabled/drop off car parking spaces.

CONSULTATIONS

5. The following Consultations were notified and the comments received are summarised below:-

English Heritage

Do not consider that it is necessary for this application to be notified to English Heritage

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.

¹ Noise disturbance from access and egress to the premises

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

' Odour nuisance

Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment, to be installed and used in the premises in pursuance of this permission shall be first approved by the Local Planning Authority and installed before the development hereby permitted commences and thereafter retained in full accordance with the approved details. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.

' 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.

' 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 works.

Environment Project Manager - Mike Chicken

The travel plan survey should be conducted within six months of 50% occupation as specified within the travel plan document. Following that there should be targets agreed with Stockton Borough Council and regular liaison with both the council and the university to ensure delivery of the plan.

Urban Design Engineers

I refer to your memo dated: 9 March 2009

Reference drawing no: 1:500 colour site plan no dwg. Ref.
Design statement plans and sections

General Summary

Urban Design objects to this application as detailed below.

Highways Comments

This proposed development is for 196 student accommodation apartments and the erection of a café and bar.

The applicant has provided a Transport Statement which states that the site is in a sustainable location due to transport infrastructure and the proximity of University of Durham Queen's Campus and Stockton Riverside College.

Trip generation during peak hours has been clearly set out and it is demonstrated that 97% of trips will be sustainable. I agree with this estimate as it is clearly easier to walk to the University from this site than to drive. However, I am not convinced that providing 5 disabled only car parking spaces will prevent students from owning cars and using them for other trips and indeed travelling to and from their permanent home. There are adequate alternatives to the private car; however other sustainable sites that have been developed as student accommodation have created on street car parking problems. It is acknowledged that waiting restrictions do exist around much of the surrounding area, however I am not assured that this development will not adversely affect highway safety and create on street car parking problems despite the suggestions in the Transport

Statement to limit on street car parking by introducing waiting restrictions or charging as this will have enforcement implications and could adversely affect adjacent businesses.

The Transport Statement also refers to the potential to generate short duration infrequent peak levels of vehicle activity associated with the arrival and departure of students at the start and end of each term. I am satisfied that a booking arrangement could be introduced for this management; however the lack of parking on site needs to be revised.

The Transport Statement states that staff parking will be provided in an undercroft parking area. This does not appear to be indicated on the submitted drawings. The car parking should be revised in line with SPD3: Car parking in New Developments and a provision of 1 space per 4 residents is required, therefore a development of accommodation for 196 students gives 49 car parking spaces, and this would be the maximum requirement. All car parking provision must be free of charge and this would need to be linked to the Travel Plan. This development falls well short of this provision and should be revised to take account of the known car parking problems associated with other student developments that is the subject of current survey work. In this location, the café/bar will normally require additional parking of 1 space per 5m² of public bar area, a total of 110 spaces, however it is perceived that this level is excessive given car parking has already been suggested to be increased for the student accommodation, which are the likely patrons. Staff parking as shown on the previous refused application should be reinstated.

The Transport Statement refers to access requirements for emergency vehicles, with a pump appliance needing to get within 45 metres of dwellings. The architect has sought advice from an independent building control company that has confirmed that the use of dry risers within the building negates the need for a fire appliance to get this close to the building. I have concerns that a fire engine cannot access this site fully, however Cleveland Fire Brigade will comment on this.

The plan indicates cycle parking; this should be provided in line with the requirements of SPD3: Car parking in New Developments, 6 spaces per 30 residents is required. Therefore at least 40 spaces should be provided and should be covered and secure.

The bin storage for the development will be within 30 metres walking distance from each dwelling which is acceptable. It will not be possible for local authority refuse collection vehicles to access the site; the developer therefore proposes to use a private refuse collection service with smaller vehicles that can gain access to the site. It has been demonstrated that this can access the site and should be part of an overall management plan that also includes the collection and storage of recycling.

The Travel Plan refers to service vehicles being encouraged to deliver outside of the peak hours, however, it needs to be demonstrated that the site can be adequately serviced.

The submitted travel plan is acceptable in principle subject to the ongoing implementation being conditioned to be introduced when the development is occupied should the application be approved.

A commuted lump sum of £13 720 is required as a contribution towards the proposed bus major scheme should the application be approved.

In summary, I object to this application due to the lack of off street car parking as I am not assured that it will not affect highway and pedestrian safety.

Landscape & Visual Comments

The new development is on a similar floor plan and layout to the previous one but certain problems exist as follows:

As detailed in the previous memo our ref 08/2713/FUL rev 1 the former development created additional amenity space in the form of a courtyard within the western block and improved public realm provision at the rear of the eastern block over a previous development (our memo ref 08/2713/FUL). This new layout deletes the courtyard space and appears to reduce the area public realm provision at the rear of the eastern block. We would wish to see the design amended to allow for the provision (courtyard) and increase (the open space) of both these spaces to match that of the previous development. It should be noted that much of the open space shown will be in shade from adjacent new buildings and attempts should be made to accommodate some space such as seating areas on a southerly aspect e.g. at the western end of the eastern block.

As stipulated in the previous memos the distance between the proposed development of the eastern block and the existing buildings should be increased to allow for the creation of a significant landscape buffer which will also allow for replacing the trees lost to construct the buildings. At present it is only approx. 2.8 metres and 10 metres would be required to create a good buffer.

The section drawing shows a line of mature specimen trees growing along the building frontage on the northern boundary although these are not indicated on the plan drawing. There is insufficient space to grow trees here approx 2 metres which will be solely taken up with paving forming the access footpath in this location. Therefore the section drawing is incorrect and in order to plant trees along the northern frontage at least 7 metres would be needed for specimen tree planting – to do this the building would have to be reduced in size but as the previous developments did not indicate a tree boulevard here I would not require it either as long as the unachievable planting is not shown on the section drawings. Careful design thought must be given to match the new build and landscape with the informal planting along side the railway to the north.

High quality hard landscaping should be used to complement the buildings including areas of public realm.

There is no open space within easy reach (the nearest Victoria recreation ground is up to 2km away along busy roads) so offsite contributions should be for public realm space as detailed in the Built Environment Comments below. This increases the need for some on site open space to serve as seating areas for example as mentioned above in the first paragraph.

In conclusion the design and access statement states under the new design section (6) that where possible small areas of landscaping will be included. This is not acceptable for the reasons listed above.

Built Environment Comments

Previous comments in our memo ref 08/2713/FUL rev 1 referred to the creation of a visual split in the building to create the appearance of building separation between the eastern and western block. Although this has been removed from the new design the whole building development has dramatically altered in style from a contemporary development to a more traditional development taking its theme from existing buildings such as the town hall and historic large Victorian Warehouses which commonly dominated the skyline in this part of Stockton in the 20th century as described in the design and access statement. We do not object to the style of the new buildings. The different coloured cream brick breaks up the northern building façade of the west block but differing roof heights here would also help to break up this façade and complement the existing town hall building.

In the previous memo it was requested that the applicant enter into a section 278 agreement to provide public realm improvements as part of improvements to Railway Terrace. This is still required and would form the whole area of Railway Terrace up to the A1130 including the integration of the proposed development with the station footbridge and improvements to the

setting of the listed town hall to enhance the site as a gateway to Thornaby. This is an important gateway space and negotiations should be entered into with the developer to secure a contribution.

Tees Archaeology

No comments

CE Electric UK

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

Northern Gas Networks

No objections

Northumbrian Water Limited

There is an existing public sewer within the application site. This development may affect the sewer. Northumbrian Water will not permit a building close to or over its apparatus. The developer should contact Northumbrian Water Ltd if it is proposed to sink boreholes or excavate foundations within 4.5 M of the sewer. No tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water. This sewer could be diverted or accommodated in the site layout. The developer should contact Maurice Dunn at this office (tel 0191 419 6577) to discuss the matter further.

A plan showing the location of the sewer is enclosed.

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.

Durham University

I am writing in connection with the above planning application that relates to the area known as "Mandale Triangle" and is believed to be the former Supreme Knitwear site.

There are two major aspects to this proposed development that we would wish you to consider. The first relates to the current and future demand for student accommodation and the second relates to a specific feature of this proposed scheme.

A key factor in the consideration of all proposed student housing development is the future and current demand for student accommodation. The University has recently set out its vision for Queen's Campus in the period to 2020. This states that our aim is to double the number of students studying in Stockton. However, we must make it clear that this growth is envisaged to come mainly from part-time postgraduate and continuing professional development students who will not require accommodation. Growth in undergraduate student numbers is expected to rise from the 1900 or so we have now to about 2400 by 2015, subject to funding availability. We would emphasise that there is no guarantee that funding for these additional student numbers will be available, especially given the uncertainty over the economy and government finances.

An important feature of the student population at Queen's Campus is the proportion of students who live locally and choose to live at home. It is not expected that this proportion will change significantly and indeed there is some evidence that the cost of entering higher education will actually increase it and thereby reduce the need for private sector accommodation.

In addition we know that there are a significant number of students who choose, in their 2nd and 3rd years, to live either in houses shared with students, or in other types of residential apartments. The reasons for this are either related to the rental cost of the accommodation or the fact that they prefer to live apart from the general student body. There is anecdotal evidence a fair proportion of students do not wish to continue "college residential" experience beyond their first year. It is felt

that it is important to note this given the significant number of applications coming forward for planning permission related to high density student accommodation.

In relation to the present demand for accommodation from the current student population the attached table A provides an analysis of demand over the last four years. It is important to stress that these numbers are indicative and are based upon the (not unreasonable) assumptions shown. These numbers indicate a fairly static demand for rental accommodation in the private sector, with approximately 850 in the last two years.

Of the 850 or so we know that there are approximately 500 bed spaces offered through the Queen's Campus operated Accreditation Scheme by landlords with private housing of various descriptions, but mainly houses. In addition, we now have the 382 bed space available in purpose built accommodation on Bridge Road, operated by Bournston, adjacent to the proposed development. Two comments need to be made:

- 1) In both January 2008 and 2009, when students embarked upon house hunting for the following year of the 500 or so rooms offered on the Accreditation Scheme, approximately 200 in each year were left unfilled;
- 2) For 2008/2009, Bournston have operated with approximately 40 voids and at the moment have approximately 100 vacancies for autumn 2009.

Table B (attached) sets out the total number of rooms we are aware of in the private sector which are either available to QC students for 2009/10 or have been let to QC students for 2009/10. Note – a small number of the 'private landlord' may have been sold, or let to non-students since being advertised through the accreditation scheme, however this still clearly demonstrates a significant excess of accommodation in the private sector at the present time. In addition to these numbers, we know that there are a number of students living in properties, mainly in Sun Gardens and on the Teesdale Site, that are not accredited and therefore for which we have no record.

The second aspect we wish to comment on relates to the proposal to locate an initiative called 'Enterprise World' with student accommodation. We believe that it is proposed to use part of the site for vocational training to support young people on work based learning to access "supported living". Whilst this is in itself not an aim we would object to, the experiences of the higher education sector in relation to student accommodation is that those residences that work well are located in areas that complement the needs of students. We feel that the scheme as described will provide an environment that could pose a risk to the health and safety of students who live there.

It is against a background of increasing private sector provision that the University wishes to set out its position in relation to its student population and their need for accommodation. In particular, the University believes that there is already sufficient accommodation available, between its own residences, the private sector and students' own/parental housing, to meet demand for now and the foreseeable future.

NB Table A and Table B are attached to the appendices of this report

Network Rail

Please find below comments from Network Rail in relation to the planning application for residential development at 1A Railway Terrace, Thornaby (09/0500/FUL).

With reference to the protection of the railway, NR has no objection in principle to the development, but below are some requirements which must be met.

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway specifically at the parking space at the west end of the west block and at the parking spaces in between the west block and the east block.

- Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

- Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

- Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway

boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

· Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the boundary fencing, soundproofing, method statements, Armco barriers lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

Historic Buildings Officer

The applicant has revised the proposals from a very contemporary scheme to a more traditional warehouse approach.

This style is not out of keeping with the area and there were many large mill and warehouse buildings along the Tees in this area.

A similar scale and massing as previously, they have now removed the courtyard proposal and although this is a substantial building, the building reads as several smaller buildings due to the individual architectural elements.

My main concern has always been in relation to the block closest to the grade II listed Town Hall.

The new design picks up on several elements of the Free Renaissance style of the Town Hall. The use of stone headers in this block also helps to tie in to the architectural style of the town hall.

Further to my previous comments I consider the revised drawings an improvement in design terms to the previous submission and I have no objection.

CABE

Thank you for consulting the Commission for Architecture and the Built Environment (CABE) about this proposal

We are consulted about more schemes than we have resources to deal with and, unfortunately, we will not be able to comment on this scheme. Please note that this literally means no comment and should not be interpreted as tacit endorsement of the scheme.

Natural England

Thank you for your letter regarding the above proposal, received at our offices on the 9th March 2009. After due consideration of the new information provided, Natural England has no additional comments to make and would refer you to those made in our previous letter of 3rd October 2008.

We would be grateful if you could provide a copy of the conditions if this application is granted planning permission.

We would be happy to comment further should additional matters relating to our remit arise.

PUBLICITY

6. Neighbours were notified and comments received are summarised below :-

21 Letters of objection have been received on the following grounds;

- No need for more student accommodation
- Area is an industrial location and not a residential area
- Impacts of noise from surrounding industry on proposal
- Storage of high pressure cylinders adjacent to site proposal
- Lack of car parking facilities
- Concerns over the access to the site and impacts on existing traffic levels
- Will lead to noise and disturbance for neighbouring residents
- Will increase litter in the surrounding area
- Future use(s) of the building
- Impact on amenity of neighbouring occupiers/residents
- Inappropriate design

2 Letters of support have been received raising the following issues;

- Anti-social behaviour currently operating in the area
- Enhancement of the site
- Will help the Town Centre thrive
- Successful planning application will result in 18 months worth and £10 million pounds of investment
- Will secure 150-200 jobs

PLANNING POLICY

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

8. 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 is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

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 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 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 EN28

Development which if likely to detract from the setting of a listed building will not be permitted.

Policy EN30

Development which affects sites of archaeological interest will not be permitted unless:

- (i.) An investigation of the site has been undertaken; and
- (ii.) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii.) Provision has been made for preservation 'in situ'.

Where preservation is not appropriate, the local planning authority will require the applicant to make proper provision for the investigation and recording of the site before and during development

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
PPS3– Housing
Policy Guidance 15: Planning and the historic environment
SPD 6 – Planning Obligations
Interim Student Housing Document

SITE AND SURROUNDINGS

10. The application site is a two storey building with a large industrial style building with associated car parking to the east, which formed the former Rocket Union. The site is narrow in its nature and is bounded by the railway to the north and industrial units to the south.
11. Presently there are a few area of landscaping on the eastern site boundary helping to soften the existing development and the car park.
12. A variety of commercial units are in close proximity to the application site, comprising of a mix of industrial, warehousing and retail uses. The Grade II listed Thornaby Town Hall lies to the west of the site, given the transport links through the area the Grade II listed Town Hall is one of the most prominent buildings within the area.

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application are the impacts of the development on planning policies, the character of the area, the setting of the listed building, the amenity of the neighbouring properties, access and highway safety, flood risk, features of Archaeological Interest, and protected species.

Principle of development;

14. The application site lies within the limits to development as defined by the 1997 proposals map and is classed as previously developed land as set out in Planning Policy Statement 3; Housing.
15. The principle if development is therefore considered to be acceptable subject to policies GP1, HO3, HO11, EN6, EN28 and EN32a of the adopted Stockton on Tees Local Plan.

Site Sustainability;

16. The application site is situated within the Mandale triangle and lies within approximately 1km of both the University Campus and Stockton High Street. The site is therefore considered to within easy walking ad cycling distance to the educational facilities and a variety of services in the Town Centre. In additional the proposed development is adjacent to major bus routes and the Train Station and therefore has excellent public transport links to the Tees Valley region and beyond.
17. Due to these factors the proposed development is considered to be a sustainable location for this type of accommodation and sequential is an excellent site and would meet the sustainable development and social inclusion agenda set out in PPS1.

Need for Student Accommodation;

18. PPS 3 and the Tees Valley Structure Plan debate the provision of housing in general and affordable housing although do not specifically focus on the provision of student housing. In general terms, it is advised that housing provision is focused in sustainable locations on previously developed land, which this proposal achieves.
19. However, Members will be aware that on the 6th November 2008, an interim student accommodation policy guidance document, was considered and approved by cabinet. The purpose of this document is as interim policy guidance, to be used to determine planning applications with immediate effect. The interim document sets out the evidence base for the current student market in the borough and argues that there are approximately 1,200 student require, however due to the Rialto Court development this leaves a maximum demand of approximately 800 students at this time. In addition, there are currently extant two planning permission for purpose built student accommodation at North Shore for 520 bed spaces and at Dovecote Street; for 36 bed spaces. Should both of these developments with extant planning consent be constructed a maximum of 250 students will be left to be accommodated elsewhere
20. In addition Durham University have also provided a statement and some evidence to demonstrate that the demand for private student accommodation remains stagnant and that existing provision meets the current demand for student accommodation. In setting out the possible future growth of the Queens Campus is likely to come from vocational courses and continuing professional development
21. A needs assessment has been completed and submitted in support of this application it suggests that approximately 1700 students need accommodation. After taking out existing provision and commitments it is argued that there is a shortfall of 250 student places. This is compared against the University's estimate that 850 students require accommodation. it is also argued that it can reasonably be assumed that North Shore's commitments of 520 student beds is unlikely to come forward within the short to medium term. In addition the use of North Shore for further educational facilities is also cited as a potential for increasing demand for further student accommodation. Within this document it is also detailed that the applicants have secured an option on land adjacent to the site for a period of 5 years in order to allow for additional car parking for a future alternative use. It is suggested that this could be secured as part of a section 106 agreement or unilateral undertaking.
22. In addition a completing sites assessment has also been carried out in support of this application. The competing schemes that have been considered are the application site, the Dove's site on Boathouse Lane/Bridge Road, the Supreme knitwear site, Yarm Lane and the Dovecot Street. Within this document it is argued that having completed an assessment of all the sites and creating a matrix to compile these results that the Rocket site scores the highest with the Supreme Knitwear site coming second.
23. However, given the information provided by the applicants, the University and having regard to the Student Need Interim guidance, it is considered that the information supplied at present is not sufficient to satisfactorily demonstrate a need for further student accommodation and would therefore lead to an over supply of provision. Whilst it is acknowledged that the applicants have detailed the opportunity for accommodating alternative uses if purpose built accommodation is not taken up, the view remains that at this moment in time there is no need for any further student accommodation.

Regeneration Aspirations;

24. It is however, accepted that the application site occupies a prominent location into both Thornaby and Stockton. The Council has wider aspirations for the regeneration of the 'Mandale

Triangle' and the proposal could have some benefits in terms of regenerating this surrounding area which lies opposite the 'Mandale Triangle' and attracting other uses/development into the 'Mandale Triangle' and surrounding area, as well as improve the surrounding environment, particularly in relation to the listed Thornaby Town Hall, from Thornaby Station and from views across the River Tees

25. Should Members decide to support the application, it is also important to consider the proposals against the other student applications that have been put forward and are at consideration under appeal or that may be resubmitted for consideration by the Local Planning Authority
26. Although weight can be attached to the regeneration benefits of the proposal, Members should be aware that this needs to be balanced against the other material planning considerations.

Character of the area;

27. Since the original application was submitted the design of the scheme has been amended to resemble a more traditional approach and reference is made to the design following the appearance of converted warehouses.
28. The use of brick and render in the materials is considered to fit in well with the listed Thornaby Town Hall and the stepped effect in terms of the scale and massing is also considered to be appropriate. The regular fenestration details also help to provide a rhythm to the design further breaking up the massing of the proposed development.
29. However, concerns have been raised by the Urban Design Unit in relation to the lack of opportunity for landscaping on the site. Whilst it is accepted that the site at present does not have significant landscaping, it is considered that the development fails to take opportunities to provide additional landscaping, thereby enhancing the overall appearance and character of the area. On this basis the proposal is considered to be contrary to Planning Policy Statement 1.

Setting of the listed building;

30. It is considered that the current approach is not out of keeping with the area and there were many large mill and warehouse buildings along the Tees in this area. Although the scale and massing is similar to previous applications the building is considered to read as several smaller buildings due to the individual architectural elements.
31. It is considered that the new design picks up on several elements of the Free Renaissance style of the Town Hall and the use of stone headers in this block also helps to tie in to the architectural style of the town hall.
32. In relation to the setting of the Town Hall, the proposed design is considered to be an improvement and is not considered to have a significant impact on the setting of the listed building, although planning conditions should be imposed on the development to secure details regarding materials and colour palette. The proposal is therefore considered to accord with Policy EN28 of the adopted Local Plan in this respect.

Amenity of the neighbouring properties;

33. The surrounding area is made up of a mix of commercial premises, the proposed development is considered to be a suitable type of development for the town centre fringe area and subject

to accordance with Building Regulation provisions with regard to noise insulation, should not unduly affect the surrounding area or adjacent premises. Were the application to be approved, it is considered appropriate conditions would be necessary in order to ensure adequate noise insulation is achieved for the future occupiers.

34. Therefore the proposed development is not considered to have a detrimental impact on existing levels of amenity and the future users of the development will benefit from an acceptable standard of amenity. The proposal therefore accords with policy GP1 in this respect.
35. Some objectors have raised concerns in terms of the impact of the development on levels of daylight and privacy. The proposed site and development will lie approximately 85 metres from the nearest residential properties on Teesdale. Despite the height of the development is considered that this distance would ensure that there is an acceptable level of both amenity and privacy maintained for the existing residents
36. With regards to the impact of the Bar on local residents, the Environmental Health Unit have considered that opening hours should be restricted in order to prevent noise and disturbance at unsocial hours. Should the development be approved it be seem reasonable to restrict opening hours to 11 p.m. Hours of operation would also be controlled under licensing legislation, which is separate from planning.

Access and highway safety;

37. The Council's Highways Officers have considered the original proposed development and the access/parking requirements for the 196 student bedrooms and café/bar. The applicant has provided a Transport Statement (TS) which states that the site is in a sustainable location due to transport infrastructure and the proximity of University of Durham Queen's Campus and Stockton Riverside College. It is demonstrated within the TS that 97% of trips will be sustainable, it is agreed that this estimate is accurate, as it is clearly easier to walk to the University from this site than to drive.
38. However, the Head of Technical Services is not convinced that providing 5 disabled only car parking spaces will prevent students from owning cars and using them for other trips and indeed travelling to and from their permanent home. Whilst there are adequate alternatives to the private car in the locality, other sustainable sites that have been developed as student accommodation have created on street car parking problems. Whilst It is acknowledged that waiting restrictions do exist around much of the surrounding area, the Head of technical Services is not assured that this development will not adversely affect highway safety and create on street car parking problems despite the suggestions in the Transport Statement to limit on street car parking by introducing waiting restrictions or charging as this will have enforcement implications and could adversely affect adjacent businesses.
39. The Transport Statement also refers to the potential to generate short duration infrequent peak levels of vehicle activity associated with the arrival and departure of students at the start and end of each term. It is considered that a booking arrangement could be introduced for this to be managed successfully; however the lack of parking on site needs to be revised.
40. The car parking should be revised in line with SPD3; 'Car parking in New Developments' and a provision of 1 space per 4 residents is required, therefore a development of accommodation for 196 students gives 49 car parking spaces, this would be the maximum requirement. All car parking provision must be free of charge and this would need to be linked to the Travel Plan. This development falls well short of this provision and should be revised to take account of the known car parking problems associated with other student developments that is the subject of

current survey work. Staff parking as shown on the previous refused application should be reinstated.

41. The plan indicates cycle parking; this should be provided in line with the requirements of SPD3: Car parking in New Developments, 6 spaces per 30 residents is required. Therefore at least 40 spaces should be provided and should be covered and secure. The bin storage is considered to be acceptable however; a management plan needs to be submitted for approval that also includes the collection and storage of recycling. This can be addressed via a planning condition.
42. In addition a commuted lump sum of £13 720 is required as a contribution towards the proposed bus major scheme should the application be approved.
43. Given the above comments, the Head of Technical Services objects to the proposed development due to the lack of off street car parking and is not assured that the scheme will not affect highway and pedestrian safety. It is considered therefore that the application should be refused due to the lack of adequate parking.

Flood risk;

44. During the previous application the Environment Agency assessed the development in relation to flood risk and has no objection to the development subject to conditions to provide trapped gullies and a surface water drainage and attenuation system, in order to prevent increased risk of flooding and to prevent water pollution. On this basis the proposed development is considered to accord with policy EN32a of the Local Plan Alteration.

Features of Archaeological Interest;

45. Tees Archaeology has no objection to the proposed development on archaeological grounds, the development is therefore not considered to pose any significant threat to archaeological remains.

Protected species;

46. Natural England have commented that they have no further comments to make with regards to this current application, following on from the withdrawal of their objection during the previous planning application.
47. The development is therefore not considered to have a detrimental impact on the habitats of species protected by law or the species themselves, accordingly the development is considered to be in accordance with Policy EN6 of the Local Plan

Residual Issues;

48. Concerns have been raised in relation to the impact of surrounding industrial uses on the levels of amenity of potential future occupiers of the development. Whilst these concerns are appreciated the Environmental Health Unit are satisfied that the development and surrounding uses are compatible with one another subject to conditions regarding provision for adequate noise insulation.

CONCLUSION

49. In summary the overall design, scale and massing is considered to be acceptable, however, it is considered that there is insufficient space or opportunities for landscaping and the proposal

therefore fails to contribute positively to the character of the area in this respect. Equally concerns are also raised in relation to the lack of parking provision on site and the subsequent implications on highway safety.

50. Whilst it is appreciated that the development may have some regeneration benefits, in this particular instance it is not considered that the argument over the need has been satisfactorily addressed to demonstrate that there is a proven need as outlined in the Interim Student Accommodation policy guidance document and the application is therefore recommended for refusal on this basis.

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

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; Delivering Sustainable Development
Planning Policy Statement 3; Housing
Policy Guidance 15: Planning and the historic environment
SPD 6 – Planning Obligations
Interim Student Housing Document
Planning Application **08/2713/FUL**

WARD AND WARD COUNCILLORS

**Ward Mandale and Victoria
Ward Councillors Mrs A Trainer, S F Walmsley and T Large**