

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

13 January 2010

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

09/2574/FUL

15 - 19 Yarm Lane, Stockton on Tees,

Construction of accommodation block for ninety-one student bedrooms and two retail units

Expiry Date: 14 January 2010

SUMMARY

Following the revision of the proposed scheme, planning permission is now sought for the erection of a 4 storey building to provide 2 retail units at ground floor and 91 student bedrooms with ancillary accommodation above.

Five letters of objection have been received and objections are mainly based around there being no demand for such accommodation, the lack of parking provided and the amenity and privacy associated with the development and its surroundings.

The proposed use is considered to accord with planning policy in terms of siting retailing and residential uses within the town centre. The scale and design of the building have been amended following discussions with officers to provide the accommodation over 4 floors of development which includes traditional detailing at its lower floors. Following these amendments, it is considered that the scheme is of an acceptable scale, mass and design which is in keeping with its surroundings and will enhance the character and appearance of the conservation area at this position. The Acting Head of Technical Services considers parking provision to be acceptable for this use.

RECOMMENDATION

Planning application 09/2574/FUL be Approved subject to the following conditions:-

01 Approved Plans

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>0821/LP 'O'</i>	<i>15th October 2009</i>
<i>0821/EL1 'D'</i>	<i>4th January 2010</i>
<i>0821/FP1 'D'</i>	<i>4th January 2010</i>

Reason: To define the consent.

02. Archaeological Work

No development hereby approved shall take place until the applicant, their agents or successors in title, has completed the implementation of a phased programme of

archaeological work in accordance with a written scheme of investigation to be first submitted to and approved in writing by the Local Planning Authority. Where important archaeological remains exist the scheme shall detail provision to be made for their preservation in situ.

Reason: The site is of archaeological interest and to comply with the requirements of saved Policy GP1 of the Stockton on Tees Local Plan.

03. 10% Renewables

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority, a written scheme detailing how much and by what method, renewable energy will be generated from the development, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the agreed scheme has been implemented in full accordance with the approved details to the written satisfaction of the Local Planning Authority. The approved scheme shall be brought into use upon occupation and shall be maintained in an operational manner thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable development in accordance with the requirements of the Regional Spatial Strategy.

04. Materials - Above ground construction

Notwithstanding any description of the materials in the application, no above ground construction of the building shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

05. Design Details

Notwithstanding the details included on the plans hereby approved, the following details shall be implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority;

- a) The style, material and colour of all windows and doors;*
- b) The style, material and colour of shop fronts and their associated fascia;*

Reason: To ensure the appearance of the building is suitable for its setting within the Yarm Lane Conservation Area, in accordance with the requirements of saved Policies GP1 and EN24 of the Stockton on Tees Local Plan

06. Cycle Parking

The development hereby approved shall not be occupied until a scheme of cycle parking has been implemented on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall detail methods of securing cycles and security for cycles. The scheme shall remain in place and be

maintained and operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to adequately provide for the future residents of the scheme in accordance with the requirements of saved Policy GP1 of the Stockton on Tees Local Plan.

07. Bin Storage

The development hereby approved shall not be occupied until a scheme of Bin storage and Recycling has been brought into use on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall remain in place and be maintained and operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to adequately provide for the future residents of the scheme in accordance with the requirements of saved Policy GP1 of the Stockton on Tees Local Plan.

08. Travel Plan

A detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. Thereafter the measures contained within the Travel Plan shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise vehicular trips and ensure sustainable patterns of development and to comply with national guidance contained within Planning Policy Statement no. 1.

09. Car Park Management Plan

Prior to the use hereby approved being brought into use, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the car park spaces are to be operated and who is eligible to use them. The car parking spaces shall be maintained and provided whilst the building is in use for the use hereby approved.

Reason: In the interests of safeguarding highway safety in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

10. Construction Hours

No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy GP1 of the Stockton on Tees Local Plan.

11. Limited to Student Accommodation

The accommodation hereby approved excluding that on the ground floor shall be used solely for the purposes of students undertaking full time educational courses.

Reason: In order to define the consent having regard to the nature of the proposal and potential adverse impact of an unrestricted consent on the use of the site and the surrounding area.

12. Window opening and obscure glazing

Notwithstanding details hereby approved, the windows within the 2nd floor west elevation will be inward opening and will be glazed with opacity 4 glass unless otherwise agreed in writing with the Local Planning Authority. These details shall be maintained in perpetuity.

Reason: In order to adequately protect the adjoining site in respect to amenity and privacy, to prevent undue impact on any future redevelopment of the adjoining site and to accord with saved Policy GP1 of the Stockton on Tees Local Plan.

INFORMATIVES

General Policy Conformity

The proposed scheme has been considered against the saved policies and documents identified below. It is considered that the scheme accords with these documents as the proposal is of a suitable use, scale, design and appearance for its location and would not unduly affect the character or appearance of the area or surrounding uses. There are no material planning considerations, which indicate that a decision should be otherwise

Adopted Stockton on Tees Local Plan:

GP1 - General Principles,

EN24 - New development in Conservation Areas,

S1 - Retail Hierarchy,

S6 - Development and Change of Use within the wider Stockton Town centre Boundary,

S16 - Shop Front Design.

Archaeological Work

The extent of archaeological work will depend upon the nature of the foundations for the new buildings. Where it is possible to preserve archaeological remains this is the preferred option and reduces the amount of archaeological work necessary.

10% Renewables

The scheme of CO2 reduction (as required by condition) needs to demonstrate a reduction in the predicted CO2 emissions of the development by at least 10% through the use of on-site renewable energy equipment, or alternative measures. These savings need to be above and beyond what is required to comply with Part L Building Regulation

BACKGROUND

1. 08/2129/FUL - Planning permission was sought for the erection of a 7 storey building to provide 2 ground floor retail units with 177 units of student accommodation above. The application was amended following concerns raised by officers and was reduced to provide 2 retail units and 125 units of student accommodation over 6 floors. The application was refused on the 16th October 2008 in accordance with the Officers recommendation. The reasons for refusal were;

Reason 1

The proposed development is considered to be of a scale and mass which is out of keeping with the existing character of this section of Yarm Lane, thereby being contrary to the guidance of Policies GP1, EN24, S1, S3 and S16 of the Stockton on Tees Local Plan. In addition, it is considered that the contrasting design would further unbalance and detrimentally affect the character of the street scene and conservation area as a result of its dominance created throughout the unacceptable scale and massing of the building.

Reason 2

In the opinion of the Local Planning Authority without adequate demonstration that the scheme can operate without any parking provision, and in view of the scale and nature of the proposed provision, it is considered that the proposed development would unduly affect the free movement of traffic within the highway, being detrimental to highway safety, contrary to Policy GP1, S3 and S16 of the Stockton on Tees Local Plan and SPD.3 Parking provision for new developments.

2. The applicant appealed against the decision of the Local Planning Authority and the appeal was dismissed on grounds that the building was out of character with the street scene and would fail to preserve or enhance the character or appearance of the Conservation Area. However, the Inspector considered that that the new building would replace the currently unattractive buildings, that the scheme would improve the wider views from the rear into the site, a glazed section to the rear of the building would be a positive addition to the street scene and that the councils concerns over lack of parking were not material taking into account the sites position within the town centre and existing opportunities for parking and unloading within the surrounding area. The scheme made no provision for vehicle parking within the site.
3. Since the determination of 08/2129/FUL the Authority has adopted an interim Student Accommodation Policy Guidance Document which details issues surrounding the provision of student accommodation and the need to prevent the over supply of such provision.
4. Application 09/0074/OUT was submitted on the Supreme Knitwear site for development which included provision of student accommodation. This application was refused taking into account the Councils new policy document on student accommodation. The reason for refusal was as follows;

In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate there is a proven need for the development; contrary to the Councils adopted interim student accommodation policy guidance document.

5. This decision was appealed and dismissed by the Inspectorate based on their being no Planning Obligation (Section 106 Agreement) submitted. The issue of need for the student accommodation was considered by the Inspector who considered that very little weight could be given to the Councils Interim Student Accommodation Policy Guidance Document as it is neither a DPD (Development Plan Document) or SPD (Supplementary Planning Document) and was adopted outside of the Development Plan System without the necessary consultation, without complying with the Councils own Statement of Community Involvement and without meeting the requirements of the Strategic Environmental Assessment. Furthermore the Planning Inspector considered that there are genuine concerns over the deliverability of existing committed new student accommodation and there would not be an oversupply of student accommodation provision.

PROPOSAL

6. This current application was submitted for the erection of a 6 storey building comprising 2 no. ground floor retail units and 125 student bedrooms and ancillary accommodation. The scale of the proposed development has been reduced and design amended during the course of the planning application following concerns being raised by officers. As such, planning permission is sought for the erection of a 4 storey building comprising 2 retail units at ground floor with 91 student bedrooms and ancillary accommodation above. The proposed retail units are located fronting onto Yarm Lane with servicing area to the rear which includes 3 parking spaces, refuse store and cycle store.
7. The proposal has been designed externally to provide 3 'traditional' floors of development with separate frontages onto Yarm Lane for the two retail units and the entrance to the student accommodation. The 4th floor is provided by a contemporary glazed section with a flat roof, which has in part been set back from the main elevations.

CONSULTATIONS

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

Acting Head of Technical Services

Highways Comments

8. Yarm Lane has three traffic lanes, one of which is bus lane out of town, westbound traffic must therefore use West Row and limited access to Yarm Lane from Prince Regent Street is available.
9. There are currently no waiting at anytime restrictions and peak hour loading restrictions in place. Short term parking is available in the parking lay-by opposite the proposal on Yarm Lane. Pedestrian facilities exist at Yarm Lane/Stockton High Street junction and long-stay parking facilities are available at Parliament Street and Skinner Street.
10. It is expected that minimal traffic will be generated as a result of this development.
11. It is noted that included within the development is cycle storage, it should be noted that it should be sufficient to provide storage facilities for 24 cycles for use by students in line with SPD3: Parking Provision in New developments and this should be confirmed.
12. There are good pedestrian links to all facilities, including a footbridge over A1305 Riverside and the River Tees to the University Campus.
13. Three car parking spaces are provided to the rear of the development in what appears to be a service area. It is therefore necessary that these parking spaces are managed in order to ensure no adverse impact on the highway, this includes ensuring that there is adequate reversing space. It is appropriate that a Car Park Management Plan be introduced to describe who is eligible to use the spaces, how servicing to the retail units will be provided and also how students arriving and leaving at the beginning and the end of term will be carried out.
14. It is noted that a Travel Plan has not been provided for this development, it is acknowledged that vehicular trips to the site are limited, however, as part of the overall management of the site it is recommended that a Travel Plan be implemented and a Travel Plan Co-ordinator be appointed to assist residents in travel choices.

Landscape, Visual & Built Environment Comments

15. In relation to scale and massing the proposed development has made significant design improvements since the previous application (08/2129/FUL) to maintain within the existing streetscape context whilst providing and improved frontage. The development now provides appropriate scale in relation to its neighbouring buildings, rising in height towards the rear of the site. As noted within the Design and Access statement this approach is in line with good practice in relation to building form and site positioning.
16. In light of the amendments made there are no objections in relation to scale and massing. Following a review of the timescales for proposed public realm works within Yarm Road it is considered that a commuted lump sum will not be required as part of this application.

Environmental Health Unit

17. I have no objection in principle to the development, however, I do have some concerns and would recommend conditions be imposed on the development should it be approved in respect of the following;
Noise disturbance from adjacent road traffic
Construction Noise

Tees Archaeology

18. The current buildings at the site overlie the backfilled moat of the demolished Stockton Castle. This was a substantial moat of up to 50 metres in width in parts. Features such as this usually preserve archaeological material remarkably well as they tend to be waterlogged and contain organic remains such as wood and leather which would not otherwise survive. The construction of the new building would cause damage to any archaeological deposits which do survive.
19. I therefore recommend an archaeological planning condition which requires a programme of archaeological work to take place to assess the deposits and the impact of the construction upon them and inform further mitigation.

Spatial Plans Manager

20. PPS3 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.
21. As part of the submitted design and access statement it is highlighted that the need for student accommodation is difficult to prove and continues to highlight that despite recent student accommodation development there is a deficient in quality student accommodation. In addition to this the report discusses that the development would constitute regeneration and support further regeneration of the town centre.
22. On the 6th November 2008, an interim student accommodation policy guidance document was considered and approved by cabinet. This document highlighted that at present an approximate total of 1,700 students require accommodation, 512 of whom are in university accommodation, leaving 1,188 students using the private sector. As there are a potential of 382 bed spaces in Rialto Court this leaves a remaining maximum demand, at the moment, for a further 806 students to be accommodated. In addition, there are currently two planning permission for purpose built student accommodation; at North Shore, an outline permission for 520 bed spaces, and at Dovecote Street; a full planning permission for 36 bed spaces. If both of these applications are implemented, there will be an additional 556 bed spaces in purpose built accommodation. Added together with the existing purpose built accommodation (existing in University accommodation and Rialto Court = 894), a total of 1,450 purpose built bed spaces will be available to students. This will leave a maximum of

250 students to be accommodated elsewhere. Given that a certain element of students will want to live in more residential areas, it can be argued that the existing demand and need is met by existing development, extant consents and the private sector.

23. Whilst the university acknowledge that some growth may occur in the future at Queens Campus this is likely to come from vocational courses and continued professional development, therefore the students are unlikely to require further accommodation. Indeed one of the reports findings is that the availability of both new build and private rental demonstrated through the vacancy rates for the 08/09 academic year indicates that there is a sufficient supply of both private rental housing and new build flats in Stockton for the short to medium term.
24. Concerns must be raised as to problems arising should the purpose built accommodation not be taken up and what its future use would entail owing to difficulties in altering the layout into accommodation for non-students or other commercial uses, particularly with low car parking provision associated with the proposed development.

Northern Gas Networks

25. No Objections

Northumbrian Water Limited

26. No objection.

PUBLICITY

Neighbours were notified. Five letters of objection have been received from the following;

Mr Wilson, 17 Egglestone Terrace, Stockton
Ms Gilchrist, 12 Boston Avenue, Northallerton
Ian Jackson, 2 Nelson Terrace, Stockton
G Howes, 1 Lightfoot Grove, Stockton
Mr Rutherford, 8 Clover Court, Stockton

Objections and comments are summarised as follows;

27. The claimed 'demand' is grossly overstated and uses figures that cannot be substantiated and should therefore carry little weight. Figures provided by Durham University (DU) have been ignored, because they do not fit the Agent's claim for a proven 'demand'. If applications for large student accommodation blocks continue to be submitted, then a stage will be reached where these buildings will become redundant due to a lack of demand. This is expanded on later.
28. The parking provision is based only on a 'Halls of Residence' category, which is normally for 1st year students, located local to university buildings. Students may walk or cycle to lectures but still own cars for leisure use, especially with 2nd and 3rd year students. This is a fact, and has proved to be the case at the Mezzino on Victoria Bridge, where parking by students in Riverside Rd has proved to be a problem. This is expanded on later.
29. The Planning Statement & Design and Access Statement claims the proposed development is of high quality and meets all the criteria of national and local planning guidelines. This may be true of the external design, however, the internal design, in terms of bedroom, kitchen, dining & lounge facilities; environmental issues and access etc, is very poor. This is expanded on later.

Demand

30. This application claims there is a deficit in quality student accommodation to the order of 1000. This figure should be questioned. Durham University has repeatedly confirmed to Stockton Planning Department that there is already a surplus of accommodation, due to the Mezzino block, which was opened in 2008. This building is currently unfilled, despite the fact that a number of surplus bed spaces are utilised by the University for 1st year students, as there is a shortfall in the University's own Halls of Residence.
31. The recently submitted figures from Durham University for bed demand for 2008/2009 are summarised below;
- 1921 students at Stockton Campus.
 - 505 students live locally, at home.
 - 60 students choose to live in Durham
 - Estimated 850 bed places required in private rented accommodation (excluding 506 1st year students in DU Halls of Residence)
 - Currently 1303 bed places available in rented accommodation (including 382 available in Mezzino).
 - Estimated surplus (1303-850) = 453.

If the appeal for the 196 bed development at the Rocket Building site is successful, there will be 649 surplus bed spaces (453 + 196).

If this application in Yarm Lane is successful, there will be 769 surplus bed spaces (649 + 120) almost twice the current demand.

There is limited projected short term growth in student numbers at Durham University, Stockton Campus; this is already on record.

32. Quality accommodation was already provided, adequately, in Stockton and Thornaby. The current average rent for Stockton Campus students is £40 per week in a shared house. Currently, rents in the Mezzino (purpose built student accommodation) is around £80/week plus.
33. A recent survey in Nottingham, at the end of 2008 found that from a survey sent to 5,300 students, two-thirds said they preferred rented homes to buildings which house ten or more occupants.
34. Last year, Stockton Council (SC) recognised that there could be a projected oversupply of student bed spaces, an interim student accommodation policy guidance document was therefore prepared and subsequently approved by SC cabinet. This policy included a requirement for applications to demonstrate a proven need for the development. It is understood that Policy CS8, clause 11 of the LDF is currently being evaluated by government inspectors for adoption, and this clause is presumably intended to provide guidance on 'Applications for New Student Accommodation'. Surely this policy can be considered relevant to this application.
35. In the Agent's Planning Statement & Design and Access Statement (PSDAS), section 4.4, reference is made to elements of the Planning Policy Statement: Housing (2006), and the following term '*taking into account need and demand*' is used.
36. There are inaccurate or highly contentious comments within the Design and Access Statement in respect to need and the quality of existing provision

Transport Issues

37. Students may be persuaded to walk/cycle to studies, but they will still bring cars, whilst at university. Furthermore, a proportion of students in 3rd year require transport for external training in teaching and medical environments. As a consequence, cars will be parked-up in the adjacent streets. There will be no way of preventing this, other than introducing parking controls, which would be detrimental to the businesses in the surrounding area.
38. My own study of the number of cars owned by students in my properties confirmed that almost 45% owned cars; even a figure of 1 in 5 ownership will generate over 24 cars at the site. Where will they park?
39. The Traffic Assessment has offered a report which suggests that only 3 parking spaces need to be provided. Details of the current use confirm that, following the guideline of SPD 3 'Parking Provisions for New Developments' 17 car spaces would have been required, but that none were currently provided. This presumably is because parking provision for the current usage was not governed by SPD 3. Also, details of the 2 retail units are not shown, so the proposed parking requirement cannot be assessed.
40. The reply from Urban Design states that minimal traffic will be generated. This should be challenged, as I understand that a survey of the impact of student parking in Riverside Rd. showed a problem did exist, probably as a result of the Mezzino development. This point is mentioned in the report for application 09/0500/FUL.
41. In refusing the recent applications no. 09/0500/FUL & 09/0074/OUT, it was clearly stated that inadequate parking had been proposed. The design chooses to provide minimum parking, by categorising the development as 'Halls of Residence' which has a much lower requirement in SPD 3.
42. Parking when students arrive/depart at the beginning and end of terms is not given sufficient importance. It is unreasonable to expect parents and/or students, some travelling great distances, to coordinate their arrival to set times and dates. The congestion caused at this time could be extreme, due to delays to road journeys and changes to plans, at the last moment. Winter conditions are notorious for causing delays and difficult road conditions.

Refusal of Original Planning Application 08/2129/FUL for 15 – 19 Yarm Lane

43. When the original application 08/2129/FUL was recommended for refusal, there were a number of issues highlighted in the Planning Officers report which surely remain relevant, now, these being;
44. Amenity standards, over supply of student accommodation,

Quality of Design.
45. The floor layouts squeeze as many rooms as possible into each floor, with very limited facilities. These facilities are frugal and do not represent a quality design. There is no reception area of note, where students can meet visitors or parents, nor is there anywhere for new arrivals to gather with luggage etc. This design achieves the maximum number of bedrooms with a minimum supply of services.
46. If, as suggested, this development suffers from lack of demand, it is likely that a change of use will be applied for; the problem will then be what use this purpose built building can be converted to. It is unlikely that, if converted to flats, it would be a desirable location; furthermore, the lack of demand for flats is proving to be a problem, in its own right. The only other use would probably be as a hostel.
47. As a large proportion of the bedroom/study rooms face on to Yarm Lane, there will be high noise levels from traffic, especially public transport. Furthermore, there will be foot traffic

noise at night, due to the high number of fast food outlets in the area, a problem that is already identified as being extreme at the weekend.

48. By introducing noise control in the fenestration treatment it will be either impossible or very expensive to provide ventilation in the bedrooms, especially in warm months. Another problem may exist in the inner atrium, where ventilation will be poor, due to the enclosed nature of this area.
49. A number of bed/study rooms have adjoining walls with the common rooms. This is not good design.
50. Further problems with the design are;
 - i Poor natural daylight in the lower internal rooms
 - ii Possible Lack of privacy for a number of the rooms including;
 - facing onto Yarm Lane will have passengers from double deck buses only a pavement's width from the window.
 - internal rooms facing into the Atrium especially at lower levels,
 - Common rooms facing bedrooms

Access

There does not appear to be any facilities for disabled parking, nor for access into the building, suitable for disabled students. Is there a requirement for such developments to cater for the disabled?

Other comments

51. I am a long standing private university accredited landlord and would robustly challenge the assertion that there is a shortage of quality student accommodation. Stats on this are readily available from Durham University. Anecdotally students have found reality of living in current purpose built lacking in privacy and insulation from boisterous elements of student life in such a concentrations.
52. All the private sector accommodation for students have attained the 'Gold' Standard otherwise the University will not advertise these houses. There is an oversupply of these houses already. A further new development is not needed, and could set a dangerous precedent to other developers.
53. The area in question has without the largest number of 'incidents' necessitating emergency services, Police and Ambulance calls in the Stockton Borough. This is an incredible amount of calls for the size of the area. If a student block was built the area would be even more flooded with anti social behaviour calls and violent assaults etc. On the weekend time, Councillors can experience this high level of anti social behaviour for them selves. Would you want your teenage son/daughter to reside in this environment?

PLANNING POLICY

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) and the Regional Spatial Strategy (RRS).

The following saved 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 EN24

New development within conservation areas will be permitted where:

- The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Policy S1

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

- A) Stockton-on-Tees Town Centre
- B) The District Centres
- C) The Local Centres

All proposals for development should be appropriate in terms of the scale, nature and character to the centres existing role and the catchment area which it serves.

Policy S6

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

- i) They have no adverse affect on the amenity of the surrounding area in terms of level of activity associated with: -
 - a) Noise;
 - b) Pollution;
 - c) Levels of traffic;
 - d) Opening hours - where appropriate will restrict hours of business in accordance with the Councils Licensing Policy.
- ii) They do not conflict with Policy S18;
- iii) They do not result in a continuous group of more than four units of Use Class A3 (restaurants, bars and hot food takeaways)

Policy S16

Planning permission for new shop fronts will only be permitted provided they meet the following criteria:-

- Design must be in keeping with the character, scale, colours, materials, proportions, and period of the building and wider street scene.
- Existing independent access to upper floors is maintained.

Corporate shop fronts and logos should maintain the appearance of the building or wider street scene.

Where two or more units are to be joined into one unit, the frontage should maintain the appearance of more than one unit in order to maintain the visual balance of the street. One hanging sign is permitted per unit which must measure no more than 600mm wide by 1000mm tall, and 35mm deep, and be fixed at least 2400mm from the ground at its lowest point, but below the first floor window sill at its highest point.

Here illumination is required it should be sited externally.

Security shutters must be of a grille design that allows the window display to be seen, and unless there are justified reasons that prevent it, must be installed on the inside of the window;

Other security devices must be an integral part of the shop front and not be visually obtrusive.

In the designated Conservation Areas or for Listed Buildings, additional controls may be placed on shop front design in the interests of maintaining the distinctive character and appearance of those areas or buildings.

SITE AND SURROUNDINGS

54. The site is located at the southern end of the defined boundary of Stockton Town Centre, away from the primary and secondary shopping frontages associated with the High Street. This section of Yarm Lane is characterised by mainly three storey development in a variety of styles and heights although larger development does exist within the wider area. Other key characteristics of the street scene include the wide road corridor and street furniture in the form of bollards, railings and signage.
55. Building styles and heights vary from the relatively modern 2 storey flat roofed snooker club adjacent to the site to the 3 and 4 storeys more traditionally designed buildings elsewhere within the street scene. There is a wide variety of frontages associated with a wide range of uses including Public Houses, Fast Food Takeaways and a snooker club.
56. To the rear of the site lies Daryl House and its associated Car Park with the A1305 highway beyond. Daryl House is a 6 storey modern office building.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

57. The site falls within the Stockton Town Centre Boundary where Policies S1 and S6 of the Local Plan Alteration No.1 apply. Policy S1 directs new retail development to the town centre whilst Policy S6 advises that the Council seeks to maintain and strengthen the vitality and viability of the wider Stockton Town Centre and will encourage proposals for development and change of use for a wide range of commercial, shopping, community, residential and leisure uses within the town centre boundary.
58. The proposed development comprises 2 retail premises at ground floor and student accommodation within the upper floors and the principle of the development is therefore considered to accord with these policies as a result of its use and it being likely to result in an intensification of town centre usage.
59. The site is located, within walking distance of the retailing, employment and leisure provision within the town centre and the immediately surrounding area, within walking distance of the university campus, the main bus interchange and railway station. As such, the site is considered to be highly sustainable with regards to trip generation, as required by National Policy Guidance in respect to the siting of new development.

60. The proposal needs to be considered against the Local Plan General Principles Policy (GP1) the criteria listed within Policies S6 and S16 of alteration no.1 relating to redevelopment of town centre sites and shop front design as well as Local Plan Policy EN24 in view of the sites location within the Stockton Town Centre Conservation Area. These policies require consideration of the impacts of the development, in particular, on the character and appearance of the surrounding area and surrounding uses and highway related matters. These and other material considerations are considered as follows;

Impact on the character of the area

61. Local Plan Policies GP1, EN24 and Policy S3 of Alteration No.1 all require new development to be sympathetic to, and appropriate in scale and character to the surrounding area. This section of Yarm Lane is clearly defined by its immediate street scene which consists mainly of 3 storey properties which are of a historic design with a broken massing achieved through differences in scale and character. The change in appearance between each property creates a strong vertical emphasis within the built form of the street scene.
62. There are larger buildings away from the immediate street scene which include the Swallow Hotel and Daryl House to the rear of the site, however, these are considered to be outwith the immediate street scene and as such offer little or no weight in regards to consideration to the massing, scale or design of this proposal. Whilst a number of the existing properties within Yarm Lane are not considered to make a positive contribution to the street scene in terms of design (in particular the upper floors), their scale and proportions remain to be important in defining the character of the street scene.
63. The appeal made and determined in respect to the previous 6 storey scheme for development on the site (2 retail units at ground floor with 125 units of student accommodation) was considered to be out of keeping with its surroundings therefore not preserving or enhancing the character or appearance of the Conservation Area. However, this development is proposed over 4 floors, the upper one of which has been set back from the main elevation. The main elevation onto Yarm Lane incorporates 2 traditionally detailed and proportioned ground floor retail units and the access into the student accommodation, which has also been detailed as a shop front. The building has a 3 storey traditionally detailed elevation with an additional lightweight 4th floor set back. Above ground floor level, detailing includes appropriately proportioned and styled windows and a staggered elevation and change in materials across the width of the 2nd and 3rd floors in order to reduce the visual bulk of the building and maintain the vertical emphasis of buildings that exists throughout the existing street scene.
64. The buildings design has in part replicated the Yarm Lane elevation along Yarm Street by having similar breaks within the buildings elevation and with the use of traditional detailing. The rear most section of this elevation has a more modern appearance immediately before the building turns the corner to the rear elevation. The rear elevation has a large glazed central section with double height windows either side.
65. It is considered that the buildings scale and design is in keeping with the character of the conservation area in this location and as the contemporary detailed 4th floor has been set back from the main elevation and is to be constructed of lightweight contrasting materials, this will not detrimentally affect this positive contribution.

Impact on surrounding uses

66. The Yarm Road corridor is relatively wide which is considered would prevent any undue impacts on opposing properties whilst impacts of both retailing and residential uses are a general acceptance within town centres. Windows associated with the student accommodation will outlook on all elevations. Views to the rear towards Daryl house and over the associated car park as well as views out over Yarm Street are not considered to have an undue impact due to distances between uses and the nature of those uses. Furthermore, windows already exist within the southern and eastern elevations of the building currently on site.
67. The development is attached to the existing Riley's Snooker Club on its western elevation. The proposed 4 storey building drops to 3 storeys at the point at which it abuts the adjacent snooker club which itself is a 2 storey flat roofed building. The proposed development incorporates windows within the elevation which outlooks over the roof of this adjacent property. In order to ensure any future development of this adjacent site is not unduly compromised, roof lights have been detailed within the rooms along this elevation. This will allow light to be obtained from a secondary source should the redevelopment of the adjacent site occur. However, it is considered necessary for these windows to be obscurely glazed in order to prevent any future privacy related issues arising. A condition has been recommended accordingly.
68. There are no listed buildings within the immediate vicinity of the application site, with the nearest ones being the Thomas Sheraton PH and the Holy Trinity Church. It is considered that these Listed Buildings have a different setting to that of the proposed building and the proposals would not unduly compromise the setting of any of these buildings.

Highway related matters

69. Supplementary Planning Document No. 3 (Parking provision for new developments) requires 1 parking space per 40 units of accommodation for student halls of residence and 1 space per 300sqm gross floor space of Retail provision within the town centre area. However, in considering the earlier appeal for the site and the provision of 125 units of student accommodation, the Planning Inspectorate considered that sufficient reliance could be placed on the existing provisions within the town centre. The Acting Head of Technical Services remained to have concerns over a development of this scale having no provision for parking, particularly as there will be a loading and unloading requirement for the students and in view of the applicant having no control over nearby street parking. In order to address this concern, the applicant has provided 3 parking spaces which is considered to be an appropriate number in view of the scale and use of the development. The Acting Head of Technical Services considers that the use is likely to result in minimal traffic whilst considers it to be well located in respect to public transport. However, a request has been made for the provision of a Car Park Management Scheme as well as a Travel Plan document in order to control parking and sustainability of travel at the site.
70. Internal refuse and cycle storage provision is made to the rear of the site along with servicing for the retail units. Conditions are recommended in order to provide secure racks for the cycle store in order to ensure usability.

Need for student accommodation

71. Whilst the Council adopted an Interim Student Accommodation Policy Guidance Document which details issues surrounding the provision of student accommodation and the need to prevent the over supply of such provision, its use in determining planning applications has since been tested at appeal. Application 09/0074/OUT was submitted for the

redevelopment of the Supreme Knitwear site as a mixed use development which included the provision of student accommodation. This application was refused based on a lack of evidence to detail the need for additional student accommodation (based on Interim Policy). Whilst the appeal failed due to the lack of a signed Planning Obligation, the Planning Inspector considered that the proposal was in accordance with the adopted Development Plan and that the Councils Interim Student Accommodation Policy Guidance Document could be given little weight as it is neither a DPD (Development Plan Document) or SPD (Supplementary Planning Document) and was adopted outside of the Development Plan System without the necessary consultation, without complying with the Councils own Statement of Community Involvement and without meeting the requirements of the Strategic Environmental Assessment. In view of this decision from the Inspectorate, it is not considered appropriate to give this document any weight as a material planning consideration in forming a decision on this application. Furthermore the Planning Inspector considered that there are genuine concerns over the deliverability of existing committed new student accommodation and there would not be an oversupply of student accommodation provision.

Other matters

72. The proposed development includes ancillary facilities for the student accommodation, having kitchen facilities, common rooms, laundry, refuse and cycle stores.
73. The Councils Environmental Health Officer has requested conditions be imposed in respect to hours of construction and insulation from road noise. In view of residential properties generally within the surrounding area a condition limiting construction hours has been recommended, however, it is considered that the Building Regulation requirements will adequately address the issue of noise insulation.

CONCLUSION

74. Retail units and student accommodation are considered to be appropriate uses within the town centre boundary. The proposed development is considered to be of an appropriate scale which is respectful of the scale of existing development within the Yarm Lane Street scene. The building is of a traditional appearance and detailing will enhance the character and appearance of the Conservation Area. The development would not unduly compromise the use, amenity or privacy of surrounding sites whilst adequate provision has been made for servicing of the site and for demands placed on the site as a result of the uses proposed.
75. In view of the above it is considered that the proposal accords with saved Policies GP1, EN24, S1, S6 and S16 of the Stockton on Tees Local Plan.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications: None

Environmental 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

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers: PPS1, PPS15, PPS16, Regional Spatial strategy, Stockton on Tees Local Plan, Planning application 08/2129/FUL and associated appeal decision, Planning application 09/0074/OUT and associated appeal decision