

DELEGATED

AGENDA NO

PLANNING COMMITTEE

3 February 2010

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

09/2964/LA

Land at Corner of Talbot Street, Norton Road, Stockton on Tees

Erection of two storey Myplace youth facility with open space, multi-use games area, car park and new access from Talbot Street.

Expiry Date: 12 March 2010

SUMMARY

This application seeks full planning permission for a two storey (including three storey staircase) detached Youth Centre (Myplace) with a Multi-Use Games Area, car park and new access from Talbot Street, on a corner site of approximately 0.5 hectares fronting Norton Road and Talbot Street.

In March 2009 the Department of Children, Schools and Families (DCSF) announced that Stockton Borough Council had been awarded £4.9 million capital grant to create a new iconic youth facility in the Tilery area of Stockton on Tees.

Community consultation has been carried out in relation to the proposed redevelopment of the site and specifically with young people to ensure that the centre was being designed and constructed with the full involvement of young people and also residents surrounding the application site. The comments received helped shape the submission of the planning application for the Youth Centre layout and design.

The proposal is considered to be in line with general planning policies as set out in the Development Plan and is recommended for approval with conditions.

RECOMMENDATION

Planning application 09/2964/LA be Approved subject to Conditions:

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>1150-01</i>	<i>4 December 2009</i>
<i>1150-02</i>	<i>4 December 2009</i>
<i>1150-03</i>	<i>4 December 2009</i>
<i>1150-04</i>	<i>4 December 2009</i>

1150-05	4 December 2009
1150-08	4 December 2009
1150-9	4 December 2009
1150-10	4 December 2009
1150-13	4 December 2009
1150-14	11 December 2009

Reason: *To define the consent.*

02. *Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.*

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

03. *No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.*

Reason: *To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.*

04. *Prior to the commencement of development, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.*

Reason: *In the interests of the visual amenities of the locality.*

05. *Prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.*

Reason: *In the interests of the visual amenities of the locality.*

06. *Full details of the method of external illumination including siting; angle of alignment; light colour and luminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.*

Reason: *To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents; highway safety and protection of sensitive wildlife habitats.*

07. No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

08. A soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

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

09. No construction/building works 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. No Sunday/Bank Holiday working.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

10. Notwithstanding the submitted information a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building. The Travel Plan shall establish clear targets and procedures for monitoring and review of such targets and any requisite infrastructure improvements and implementation timetable shall be agreed by the Local Planning Authority. The Travel Plan shall be implemented as approved.

Reason: In the interests of highway safety and to promote sustainable modes of travel.

11. A Construction Method Statement shall be submitted and agreed in writing, prior to the commencement of the development with the Local Planning Authority to effectively control any potential adverse impact of the development on the amenity of the public and nearby occupiers. This shall address off adopted highway road parking of vehicles of site personnel and visitors; Delivery and storage of plant and materials; Siting and design of temporary buildings; Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded. Scheme to control mud on roads.

Reason: In the interests of the occupiers of adjacent and nearby premises

12. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'BREEAM Education 2008: Land Use and Ecology Assessment' including, but not restricted to No vegetation clearances should take place during the bird breeding season (March to August inclusive) unless a suitably qualified ecologist has deemed it free from active nests.

Reason: To conserve birds and their habitat.

13. The development shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. No development shall take place until an energy strategy has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented in complete accordance with the details of the scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sustainable form of development which secures energy from renewable sources.

14. Development shall not commence until a detailed scheme for the accurate location protection of and access to its apparatus during construction and afterwards of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason : An existing 375mm public sewer is located close to the development site and unrestricted access to this apparatus is required at all times.

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

Reason: To prevent pollution of the water environment.

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by JBA dated November 2009 and drawing number ARC 1150 - 14 and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 5.5 m above Ordnance Datum (AOD). Flood-proofing measures referred to in Paragraph 5.1 must be incorporated into the proposed development. Site layout is as per drawing number ARC 1150 - 14.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to locate the building outside of the flood zones.

17. The development hereby permitted shall not be commenced until such time as a scheme for emergency evacuation from the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants by ensuring safe access and egress from and to the site.

INFORMATIVES

The Developer should contact Maurice Dunn (tel 0191 419 6577) to agree the detailed scheme for the accurate location protection of and access to its Apparatus in accordance with Northumbrian Waters standard easement conditions.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the overall nature and scale of the development is acceptable and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and is acceptable in terms of highway safety and there are no other material considerations, which indicate a decision, should be otherwise.

Stockton on Tees Local Plan policies GP1, EN15, REC1 and S1.

SITE AND SURROUNDINGS

1. The site itself occupies an area of approximately 0.5 ha and is situated adjacent the junction of Norton Road and Talbot Street. The 'Tilery' residential estate lies to the south with Lustrum Beck to the north. The former industrial site known as Queens Park North is located to the west and has the benefit of planning permission for residential redevelopment. (A site location plan is attached at Appendix 1).

THE PROPOSAL

2. The proposal is for a multi –use facility to assist in the management and development of Youth Services in Stockton. The facility will provide the following: -

Facilities for the young people of Stockton to use for recreation and activities
Accommodation for youth workers and support staff
A resource for practical training and information for young people.
Health and well-being guidance and consultation.

3. The design comprises a bold modern building featuring a variety of modern materials including glazed areas incorporated into the elevational treatment. The building layout comprises two irregular shaped blocks of accommodation linked by a glazed atrium, which forms the principle entrance. (A site layout plan and elevations are attached at Appendix 2 and 3).

4. The building height is limited to two storeys (with the exception of a three storey staircase to provide safe roof access for maintenance purposes) to reflect the scale of the existing nearby two/three storey residential properties along Norton Road and Talbot Street but features a variety of height and shape to add visual interest.

5. Internally the double height atrium comprises the 'heart space' of the building. It functions as the social hub with a cafe and 'chill-out' spaces which spill out into the base of the atrium seeking to create a dynamic environment. It also provides direct access to the main events hall and large activity group room. Fully glazed south and west facing facades provide views into as well as out of the social hub. The tapering end of the atrium opens out to the courtyard. To the right of the atrium the ground floor cellular rooms are predominantly for learning and amenities. The mezzanine level also incorporates cellular rooms and has a quieter social area and provides access to the roof terrace, which overlooks the courtyard and Multi Use Games Area.

6. The block to the west of the site includes the health suite and office accommodation. The provision of staffing accommodation will ensure access to support for young people including health, advice and guidance, training and employment, housing, benefits and specialist support. Services will be for young people aged 13-19 years (up to 25 years for people with disabilities) and it is expected the building will be open 7 days a week including evenings.

7. A number of sustainable building measures are incorporated into the design of the building, including the use of recycled aggregates for the substructure works and below roads and paving construction. Timber will be from managed sources and other materials will be specified according to their recycling properties. In addition to material specification, it is proposed to naturally ventilate the building by roof mounted 'wind catchers', which will save on heating costs and reduce carbon emissions that are associated with cooling buildings. The building has been designed for good solar orientation to provide passive heat gains during winter. Ground source heat pumps form part of the buildings under floor heating system.

8. The scheme also proposes quality soft and hard landscaping including feature lighting, an external courtyard providing users with the opportunity to interact with the outdoor environment. It is also proposed to site an art feature at the main entrance to be developed in conjunction with the future users of the site and will reflect the theme and nature of the building's multifunctional uses.

9. A multi use games area will provide users with the opportunity to play various sports including football and basketball. The surface treatment of the games area will be an open textured porous macadam system, which will allow surface water to naturally permeate through the surface. The main hall will also accommodate some sporting activities and male and female changing room and shower facilities will be available to users of the building.

10. A joint traffic assessment has been undertaken to evaluate the traffic flows of this proposal along with a potential future redevelopment of the adjacent site for a new Academy. Although no improvements to the Talbot Street/Norton Road junction are required as a direct requirement of this proposal, some modification would be required for any future development in the area. It is currently proposed to undertake the junction improvements with the Myplace development subject to budgetary availability.

11. Vehicular access to the site will be via Talbot Street and on-site car parking for approximately 65 vehicles is proposed including 10 secure cycle storage. Surface treatment includes permeable block paving to allow natural filtration of surface water into the ground.

12. A Travel Plan to reduce vehicular movement in the area has also been commissioned by Stockton Borough Council.

CONSULTATIONS

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

13. Acting Head of Technical Services
General Summary

This proposal is supported by the Acting Head of Technical Services subject to the comments below:

Highways Comments

Car Parking Arrangements

The proposed development has good pedestrian links to adjacent highway and is located on a core bus route. Myplace proposes 65 car parking spaces that is acceptable for the various uses within the development, this includes 3 disabled car parking spaces located as close to the building entrance as possible. Manoeuvrability around the site is acceptable and refuse storage is indicated and can be accessed for collection. Covered and secure cycle storage for 10 cycles is provided in a convenient location close to the building. The vehicular access to the building is in accordance with current standards and visibility in both directions is achieved.

Highway Network

Current traffic flows on Norton Road during the morning peak are 680 northbound and 850 southbound, and during the evening peak they are 820 northbound and 600 southbound. During the morning peak the Myplace development is expected to generate 29 in and 1 vehicle out and during the evening peak 5 vehicles in and 9 out. It should be noted that at the shift change period around 30 vehicles in and 30 vehicles out are generated. This predicted vehicle moment is considered negligible for this road and therefore acceptable.

Whilst a Traffic Statement could have confirmed the predicted vehicle movements a Transport Assessment (TA) prepared jointly for both the Myplace development and the future Stockton Academy provided the statistical information on traffic movements. This TA was commissioned to ensure that both developments can operate in traffic and highway safety terms from Norton Road. The TA demonstrates that Myplace can operate from the site without the need for any highway mitigation; however, junction improvements would be necessary should the future Stockton Academy be developed. The Myplace development is located to allow the appropriate junction mitigation to take place as part of the future academy development.

Travel Plan

A Travel Plan (TP) for Myplace has been developed that is acceptable, subject to minor amendments. Throughout the TP it references the proposed development as being a school and not the Myplace youth facility. This mis reference does not affect the conclusions of the TP.

The TP proposes number of outcomes including:

A decrease in single car occupancy trips to the site of 10%, Given the potential for sustainable travel to the Myplace development this is considered to be an achievable target and in line with Stockton's School and Workplace Travel Plan Strategy;

The appointment of a Travel Plan Coordinator (TPC) to undertake regular travel surveys with the staff, attendees and visitors to the development. These surveys will be used to further develop the TP after opening;

Clarification or further information on the TP outcomes is required. This additional information should be provided prior to occupation of the building and an appropriate condition attached to any planning consent to require further information on the following:

The introduction and management of a priority parking system for car sharers;

The TPC shall be appointed within 3 months of occupation. This should be conditioned as within the targets section of the TP it is indicated that a TPC will be appointed within 3 months of

occupation, however elsewhere in the TP this is indicated as within 6 months. The earlier measures can be put in place the more likely there are to succeed;

Whilst the appointment of a TPC to undertake regular travel surveys is noted within Table 5 and the Action Plan of the TP, the table requires amendment to indicate that following the baseline travel survey further travel surveys should be carried out on an annual basis, and that within 3 months of any travel survey, a report/action plan will be prepared. Any TP condition imposed on this application shall require that this report and action plan be shared with the Council's Travel Plan Coordinator.

It is also indicated that surveys are to be undertaken on promotional days; this should be revised as it would not give an accurate indication of how travel plan measures are operating. The use of promotional days is a good initiative to promote the benefits of the Travel Plan but survey days should be undertaken at a neutral time.

Construction Method Statement

Before development commenced, it will be necessary for a scheme to be submitted to and approved in writing by the Local Planning Authority (LPA) making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method Statement should therefore be conditioned and shall include details of:

- Off adopted highway road parking of vehicles of site personnel and visitors;
- Delivery and storage of plant and materials;
- Siting and design of temporary buildings;
- Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- Scheme to control mud on roads.

In summary, this development is supported in highway terms subject to the condition of the ongoing Travel Plan and construction management.

Built Environment

The scale and massing of the building at this important location in line with the council's wider vision for the regeneration of the area. With appropriate detailing the building and its surrounding public realm should make a valuable contribution to both the street scene and contribute towards the wider regeneration of the area.

Landscape & Visual Comments

The hard and soft landscape layout is acceptable in principle, however details will be required to be submitted to and approved in writing by the LPA prior to commencement of development on site. Appropriate conditions should, therefore, be attached to any consent. Whilst the existing trees will be lost they are considered to be of low quality and will be replaced by the new planting within the development. SBC's Arboricultural officer has been consulted and is also in agreement with this tree felling and tree replacement proposal.

Landscape conditions should include the following:

- Landscaping – Hardworks;
- Enclosure;
- Street Furniture;
- Scheme for Illumination;

Landscaping – Softworks;
Maintenance- Softworks

Environmental Policy

The development should promote sustainable design by making use of new approaches to energy efficiency, renewable energy sources, waste minimisation, construction technologies and high performance design. Wind catchers will be used to naturally ventilate the building that in turn will lead to savings on heating costs and reduce energy consumption. Ground source heating pumps are also proposed for the majority of the building and large glazed areas will maximise daylight into the building. Recycled building materials will be specified wherever possible and timber is to be managed from a sustainable source.

In summary, the development should achieve a BREEAM rating of 'Very Good' and is supported in Environmental Policy terms.

14. Environmental Health Unit

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

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.

15. Northern Gas Networks

No objection and standard mains record shown.

16. Northumbrian Water Limited

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

The application has been examined and Northumbrian Water Ltd has no objections to the proposed development. However Northumbrian Water Ltd considers that the proposed development will only be acceptable provided that the following condition is imposed upon any permission granted:

Development shall not commence until a detailed scheme for the accurate location protection of and access to its apparatus during construction and afterwards of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: An existing 375mm public sewer is located close to the development site. We require unrestricted access to this apparatus at all times and will not permit the erection of buildings or structures over or close to it. Any proposed crossing landscaping, parking areas or tree planting must comply with the standard Northumbrian Water guidelines. The Developer should contact Maurice Dunn (tel 0191 419 6577) to agree the detailed scheme for the accurate location protection of and access to its Apparatus in accordance with Northumbrian Waters standard easement conditions.

It is important that Northumbrian Water is informed of the Local Planning Authority's decision on this application.

17. Waste Management

No comments to make on this application.

18. Sport England

Sports England welcomes this development, and would urge the Council to ensure that there is proper integration between the sports facilities proposed for the MyPlace development and the impending Stockton Academy.

19. Tees Archaeology

There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

20. Spatial Plans Manager

It is understood that the applicant seeks to erect a two-storey youth facility with associated open space, multi-use games area and car parking on a site that has previously been occupied partly by Stockton Sports Centre.

Part of the site is designated under the Local Plan 1997 as Playing Space and covered by policy REC 1 which states that

Development, which would result in the permanent loss of playing space, will not be permitted unless:

- i) sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- ii) alternative provision of equivalent community benefit is made available, or
- iii) the land is not required to satisfy known local needs.

Due to the inclusion in the scheme of open space, a multi-use games area and an area which could be used for indoor sport it is felt that the loss of playing space, which in this case was part of the overall sports centre rather than a sports pitch, is mitigated by the facilities included in the proposal.

Policy S1 in Alteration Number One of the Local Plan 2006 states that town centre uses should be directed to the defined retail hierarchy to protect their vitality and viability. Due to the scale and intensity of use of this facility it would ordinarily be expected to be located in the Town Centre. However, due to the proposed location of the Stockton Academy on the same site, and the lack of opportunity to build a purpose built facility in the Town Centre, it is felt to be acceptable to locate the facility on this site.

21. The Environment Agency

We have no objection to the development as proposed subject to the following conditions being imposed on any planning permission:

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

Reason: To prevent pollution of the water environment.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by JBA dated November 2009 and drawing number ARC 1150 - 14 and the following mitigation measures detailed within the FRA:

*Finished floor levels are set no lower than 5.5 m above Ordnance Datum (AOD).
Flood-proofing measures referred to in Paragraph 5.1 must be incorporated into the proposed development.*

Site layout is as per drawing number ARC 1150 - 14.

*Reason: To reduce the risk of flooding to the proposed development and future occupants
To reduce the impact of flooding on the proposed development and future occupants.
To locate the building outside of the flood zones.*

The development hereby permitted shall not be commenced until such time as a scheme for emergency evacuation from the development has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants by ensuring safe access and egress from and to the site.

In order to discharge this condition the applicant will need to address how flood warning will be received and conveyed to site users including proposed evacuation routes and signage conveying risk for those parts of the site at risk.

We would also like to offer the following comments:

Flood Risk:

The applicant has provided a hydraulic model based upon the Environment Agency's own hydraulic model and made some updates to it. Our Flood Risk Mapping and Data Management team consider it to be fit for purpose and therefore acceptable to base the proposed development on.

However the applicant should be aware that we have not received electronic revisions to the flood plain extents and therefore are not in a position to update the flood zones. Provided this information is submitted, the flood zones would be updated upon completion of the proposed development - in this case upon completion of the larger development adjacent to the MySpace facility - as the FRA refers more specifically to that proposal. It is the applicant's responsibility to provide us with this information and inform us of the completion of development to ensure that the alterations to our flood map are made.

Although part of the site lies in flood zones, we recognise and support the sequential approach that has been used when considering this development, locating the foot print of development entirely within flood zone 1. We therefore feel that a Sequential Test, in this case, is not required to support the application.

With regards to surface water drainage, the application form states surface water will be disposed of to mains sewers. Providing this is the case, we have no objection to this. However should NWL confirm they cannot accept the flows, we wish to be reconsulted.

Land contamination:

Thank you for the copy of the Desk Top Study report (reference S90825 September 2009). This information provided in this report fulfils our requirement for a preliminary risk assessment to be undertaken prior to development. The controlled waters receptor of concern at this site is the underlying Sherwood Sandstone principal aquifer. The report concludes a low risk to the Sherwood Sandstone and, given the previous on site land uses, the contaminated land and groundwater team accept this conclusion. We therefore have no objection to the proposed development but would recommend that the developer follows the advice given in PPS23 and CLR11.

Please note that in relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters.

Foul Drainage:

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

22. Natural England

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions (with reasons):

No development shall take place unless in accordance with the mitigation detailed within the protected species report '*BREEAM Education 2008: Land Use and Ecology Assessment*' including, but not restricted to; No vegetation clearances should take place during the bird breeding season (March to August inclusive) unless a suitably qualified ecologist has deemed it free from active nests.

Reason: To conserve birds and their habitat.

23. Highways Agency

No objection in principle.

PUBLICITY

24. It should be noted that the applicant has undertaken consultation in accordance with the adopted Statement of Community Involvement. This is included a wide range of consultation events with additional information provided through a range of ways, leaflets, media coverage, specialised website design and internet services.

25. Local residents have been individually notified of the application and it has also been advertised on site and in the local press and any comments received are set out below: -

26. David Fitzgibbon, 23 Haswell Court, Stockton-on-Tees

I am in full support of this building being erected, as it will benefit the children in the estate. I have seen the plans for the building, it looks very impressive. I hope it will reduce the anti-social behaviour on the estate.

27. M & L Etherington, 1 Talbot Street, Stockton on Tees

Object on the following grounds: -

The proposed height of the development at 9.25 metres is considerably higher than the adjacent houses and will result in a significant loss of light to our home. The whole frontage will be affected by the height and mass of the building

The proximity of the building is visually intrusive, overbearing and will not only dominate our home, but will result in an invasion of our privacy

The planned construction materials are aesthetically displeasing and the elevation of rendered dark brick will mean that our view is of a solid brick wall which will not only be oppressive; but also extremely depressing

There is insufficient infrastructure in place to cope with the increased traffic that the building will generate. Already accesses from Talbot Street on to Norton Road is a hazardous undertaking, and extremely lengthy queues form at peak times. Considering that the Council has plans to develop a city academy on Talbot Street, it would be wholly unreasonable for the planning committee not to

take this in to account when studying the planning application. We suggest that the placement of traffic lights at the junction of Talbot Street and Norton Road will not ameliorate the current difficulties residents' face entering and exiting the estate and traffic flow on Norton Road will be severely impaired as a result of this development. The alley that runs behind the houses on Norton Road will, we fear be used as a 'Rat Run' causing harassment, noise pollution and safety issues for residents

Talbot Street is a narrow road that currently has traffic calming measures in situ. Any development will result in an exacerbation of the parking problems already faced by residents.

I would like to bring to the attention of the committee the fact that there is only one road to enter and exit the estate. Has this fact been examined in sufficient detail when the proposal for the situation of myplace was first put forward? Further developments of this area should we feel carefully judge the need for a new road.

The proposed usage of the building is not in keeping with a residential area and causes grave concerns over noise, neighbourhood safety and environmental pollution for residents. These are:

Litter

Congregation of youths

The proposed closure time of the facility of 10pm

The safety of residents by increased traffic.

The current proposals for security (the reliance on CCTV) are we consider wholly inadequate for the planned usage of the building and the safety and well being of residents.

We would also like to communicate our concern that the building on, of what is now such a large area of undeveloped land will result in drainage issues. We hope it will be noted that the area is designated a potential flood plain; and that previously torrential rainfall has resulted in Talbot Street being flooded. The area lies in a 'dip' and also has Lustrum Beck in close proximity, the current green space amenity means that the land can absorb heavy water saturation; obviously any building means that this potential will be lost.

Finally, we would also like to object to the application evoking article 1 of the human rights act "The right of property" which is the right to the peaceful enjoyment of our possessions; namely our home. We feel that our rights will be infringed upon if this application is approved.

The convention also, under article 8 gives respect for private and family life. We feel our environment will be corrupted by Myplace, and that our privacy will be invaded by the closeness of the building and that our home will suffer from the congregation of youths, both before and after the proposed closure times.

PLANNING POLICY

28. 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 saved policies of the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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

Planning Policy Statement 1: Delivering Sustainable Communities lists design as one of the fundamental ways of delivering sustainable development and states that planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper. In addition;

Developments that reduce the need to travel by private car should be encourage; and There is a need to promote mixed-use developments for locations that allow the creation of linkages between different uses to create sense of place and vibrant places.

Planning Policy Guidance Note 13: Transport seeks to integrate planning and transport by reducing the reliance on the motor car, encouraging the use of more sustainable transport choices, reduce the need to travel, and promote accessibility to jobs, shopping, leisure facilities and services by public transport, cycling and walking.

Planning Policy Statement 23: Planning and Pollution Control advises on the role of the Local Planning Authority in terms of development and the quality of land, air and water.

Planning Policy Statement 25: Development and Flood Risk seeks to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Regional Spatial Strategy for the North East (RSS) provides a regional spatial strategy within which local authority development plans and local transport plans can be prepared. It sets out a number of policies and principles including: concentrating the majority of new development in the Tees Valley conurbation – particularly within the core areas- and the main settlements; reducing the need to travel, particularly by private car, by focussing development in urban areas that have good access to public transport, and for cyclists and pedestrians; promoting development that is sympathetic to its surroundings

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 EN15

Development will not be permitted on urban open space unless:

- (i) It would enhance the sporting, recreational, or nature conservation value of the land and the space would still retain its open character; or
- (ii) The development of a small area of open space would result in the enhancement of the remainder to the overall benefit of the local community

Policy REC1

Development which would result in the permanent loss of playing space will not be permitted unless:

- (i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii) Alternative provision of equivalent community benefit is made available, or
- (iii) The land is not required to satisfy known local needs.

Policy S1

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

MATERIAL PLANNING CONSIDERATIONS

30. The main considerations of this application relate to the impact of the proposed development on the locality in terms of residential amenity, vehicular access and highway safety and whether it satisfies the requirements of the Local Plan Policies.

Site Characteristics, Detailed Design and Residential Amenity

31. Residential properties are situated to the south of the Site on Talbot Street. Community consultation has been carried out in relation to the proposed redevelopment and the comments received helped shape the submission of the planning application for the layout and design.

32. An objection has been received from the occupier of 1 Talbot Street on the grounds that “the proposed height of the development at 9.25 metres is considerably higher than the adjacent houses and will result in a significant loss of light to our home. The whole frontage will be affected by the height and mass of the building. The proximity of the building is visually intrusive, overbearing and will not only dominate our home, but will result in an invasion of our privacy. The planned construction materials are aesthetically displeasing and the elevation of rendered dark brick will mean that our view is of a solid brick wall which will not only be oppressive; but also extremely depressing”.

33. In response it is considered that the siting and design of the building seeks to minimise any potential impact on the amenity of neighbouring properties through loss of privacy, noise pollution etc. The private courtyard and MUGA have been located away from the residential properties and tree and shrub planting between the car parking and the streetscape along Talbot Street will provide a soft edge and buffer.

34. In terms of the scale and appearance of the building, the buildings height is in scale with the surrounding buildings and features a variety of height and shape to add visual interest. Specifically the height of the building nearest to 1 Talbot Street (the Events Hall) is approximately 6 metres with a separation distance of approximately 18 metres at its closest point. The Events Hall does feature windows but these are set at an oblique angle to 1 Talbot Street and furthermore are narrow punched windows at a raised level to provide a degree of natural light and not designed for views in and out. This part of the building fronting Talbot Street has a depth of approximately 9.5 metres before increasing in height with a mono ridge roof at its highest 9.8 metres sloping to an eaves height of 7.9 metres. This element is separated from 1 Talbot Street by approximately 28 metres. Furthermore it should be noted that the proposed building is located to the north of 1 Talbot Street and therefore there would be no direct impact on sunlight to the property. It is therefore considered that the proposed layout has been designed with adequate distances and designed to negate any overlooking and would not be visually intrusive or overbearing.

35. In respect of the materials and design, it is considered that the proposal would create a contemporary building which whilst distinct from its immediate surroundings reflects an innovative building fit for the modern operational function of a contemporary youth facility. The modern design also continues the architectural theme of the recently completed Clarence Street Health centre and establishes a quality benchmark for future redevelopment of the local area.

36. A number of sustainable building measures are incorporated into the design of the building, including the use of recycled aggregates for the substructure works and below roads and paving

construction. Timber will be from managed sources and other materials will be specified according to their recycling properties. In addition to material specification, it is proposed to naturally ventilate the building by roof mounted 'wind catchers', which will save on heating costs and reduce carbon emissions that are associated with cooling buildings. The building has been designed for good solar orientation to provide passive heat gains during winter. Ground source heat pumps form part of the buildings under floor heating system. In order to fully reflect the objectives of regional planning policy, the development proposals should have embedded within them a minimum of 10 percent of their energy from renewable energy sources. It is proposed to secure this through a planning condition. (Condition 13)

37. The Environmental Health Manager has considered the proposal and raises no objection subject to a condition on construction hours (condition 9) and it is considered that the proposal does not conflict with Local Plan policy GP1.

Other Matters

38. A preliminary assessment of the site and buildings has been undertaken to identify and assess nature conservation of the site including any potential impact of the site redevelopment on protected species, habitats and local biodiversity in general. None of the habitats on the site have been identified with species rare, threatened or protected with statutory designations. Trees removed, as part of the development will be replaced as part of the re-development proposal and enhancement opportunities will be sought to provide more species rich habitats. Natural England has no objection to the proposal subject to appropriate controlling condition. (conditions 12)

39. A Flood Risk Assessment accompanies the application and identifies the main part of the site falls within Flood Zone 1 (the lowest risk) with a need to demonstrate a satisfactory management of surface water. The car parking area falls within Flood Zone 2 and could be adversely affected by localised flooding but mitigation measures have been identified in the Flood Risk assessment to reduce the risk of flooding to the car park. The Environment Agency has no objection to the proposal subject to appropriate controlling conditions. (Conditions 15, 16 and 17)

40. In terms of site contamination the Environment Agency and the Environmental Health Unit have considered land contamination and raise no objection to the proposal and accordingly the proposal does not conflict with Planning Guidance in respect of contaminated land.

41. During the public consultation meeting and subsequent consultation, security has been raised as an important issue and the development will integrate 'Secured by Design' principles into the design and a formal application has been submitted for secure by design approval. Furthermore the parking area and the building frontage will be covered by CCTV to ensure security for all users. It should be noted that the CCTV system will be linked to the surveillance centre to provide 24 hour coverage.

42. The occupier of 1 Talbot Street also objects to the application evoking the Human Rights Act. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents. The determination of a planning application in accordance with town & country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. In this case it is not considered that the human rights of adjoining residents will be infringed because their rights are not significantly affected as the proposal has been

designed with adequate distances and designed to negate any overlooking and would not be visually intrusive or overbearing. The human rights of the owners of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of neighbouring residents.

43. Policy S1 in Alteration Number One of the Local Plan 2006 states that town centre uses should be directed to the defined retail hierarchy to protect their vitality and viability. Due to the scale and intensity of use of this facility it would ordinarily be expected to be located in the Town Centre. However, due to the proposed location of the Stockton Academy on the same site, and the lack of opportunity to build a purpose built facility in the Town Centre, it is felt to be acceptable to locate the facility on this site.

44. Part of the site is designated under the Local Plan 1997 as Playing Space. Due to the inclusion in the scheme of open space, a multi-use games area and an area which could be used for indoor sport it is felt that the loss of playing space, which in this case was part of the overall sports centre rather than a sports pitch, is mitigated by the facilities included in the proposal. Sports England has also considered the proposal and raises no objection.

45. Overall the scheme is considered acceptable in terms of scale and character and does not have a significant impact on the surrounding area.

Means of Access, Parking and Traffic Issues

46. The Acting Head of Technical Services has considered the proposal and raises no objection on highway grounds to the proposed development.

47. It is considered that the proposed development has good pedestrian links to adjacent highway and is located on a core bus route. Myplace proposes 65 car parking spaces that is acceptable for the various uses within the development, this includes 3 disabled car parking spaces located as close to the building entrance as possible. Manoeuvrability around the site is acceptable and refuse storage is indicated and can be accessed for collection. Covered and secure cycle storage for 10 cycles is provided in a convenient location close to the building. The vehicular access to the building is in accordance with current standards and visibility in both directions is achieved.

48. In respect to the potential impact on Norton Road the predicted vehicle moment is considered negligible for this road and therefore acceptable.

49. A Transport Assessment (TA) prepared jointly for both the Myplace development and the future Stockton Academy provided the statistical information on traffic movements. This TA was commissioned to ensure that both developments can operate in traffic and highway safety terms from Norton Road. The TA demonstrates that Myplace can operate from the site without the need for any highway mitigation; however, junction improvements would be necessary should the future Stockton Academy be developed. The Myplace development is located to allow the appropriate junction mitigation to take place as part of the future academy development.

50. A Travel Plan (TP) for Myplace has been developed that is acceptable, subject to minor amendments. The TP proposes a number of outcomes including: a decrease in single car occupancy trips to the site of 10%, given the potential for sustainable travel to the Myplace development this is considered to be an achievable target and in line with Stockton's School and Workplace Travel Plan Strategy.

51. The TP also proposes the appointment of a Travel Plan Coordinator (TPC) to undertake regular travel surveys with the staff, attendees and visitors to the development. These surveys will be used to further develop the TP after opening.

52. Additional information regarding the introduction and management of a priority parking system for car sharers is required along with the appointment of a TPC within 3 months of occupation and some other amendments. A condition to this effect is recommended. (Condition 10)

CONCLUSION

53. Overall the nature and scale of the development is acceptable and parking provision and access is satisfactory. It is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and does not conflict with policies in the Development Plan.

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Financial Implications – As report

Environmental Implications – As report

Community Safety Implications – As report

Background Papers – Stockton on Tees Local Plan (June 1997).

Human Rights Implications – The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

WARD AND WARD COUNCILLORS

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