

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

23 JUNE 2010

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

10/0190/OUT

Former Supreme Knitwear, New Street, Thornaby

Outline application for a mixed use development comprising of training facilities for young persons with related commercial and student housing accommodation.

Expiry Date 10 May 2010

SUMMARY

Members will recall that the application was deferred from the planning committee on the 21st April 2010 in order that discussions with the applicant could take place regarding the nature of the proposal.

Further discussions have taken place with the applicant with regards to the issues raised by Members of the Planning Committee. Following on from these discussions the applicant has provided a series of statements/letters from letting agent with regards to demand for student accommodation and indicative drawings of how the student pods may be converted into residential apartments. Officers have also looked at the student accommodation situation elsewhere in the country, where it would appear that other authorities give weight to the market in deciding which types of accommodation is best suited to meet the individual student needs.

There have been no changes to the application and outline planning consent for the erection of a student accommodation building with associated commercial facilities is still sought. Only the principle of development and the access into the site are to be considered at this time with all other matters being reserved for future consideration. The scale and massing of the proposed development is considered to be appropriate in the context of the street scene although further approval of the final design would be required as part of a reserved matters application.

The proposal was the subject of a previous planning application and an appeal in which the Planning Inspector considered that little weight could be attached to the Student Accommodation policy as the Core Strategy had not been approved. The Planning Inspector dismissed the appeal only on the grounds that a Section 106 agreement was not submitted as part of the appeal; all other matters were considered satisfactory.

In the absence of any clear evidence to prove either a need for further student accommodation or to suggest that there is no further need, consideration has been given to the harm that approval of this scheme could cause. Given the relatively low concentrations of students across the borough's wards and the ability to convert the building to an alternative use, it is not considered that significant harm would arise from approving the proposed scheme.

RECOMMENDATION

Planning application 10/0190/OUT be Approved subject to planning conditions and the entering into of a section 106 agreement;

Approved Plans

- 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.

Plan Reference Number	Date on Plan
SBC0001	29 January 2010

Reason: To define the consent.

Reserved matters – Period for submission of details

- 02 Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

Reserved Matters – Period for commencement

- 03 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

Reserved matters – Details

- 04 Approval of the details of the layout, scale, appearance and the landscaping of the site (the reserved matters), shall be in accordance with the details of a scheme to be submitted to, and approved by the Local Planning Authority before development commences.

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

Materials

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

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

Existing and proposed site levels:

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

Reason: To define the consent

External Lighting:

- 07 Details of all external lighting of the building and car park area, including the lighting design, siting, colour and levels of luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

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

10% Renewables

- 08 *No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.*

Reason: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy, PPS1 Delivering Sustainable Development, PPS22 Renewable Energy and government guidance on climate change.

Noise disturbance from adjacent road traffic

- 09 Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

Reason; To protect the amenity of the occupants of the dwellings from excessive road noise

Noise disturbance from adjacent railway

- 10 Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent railway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.

Reason; To protect the amenity of the occupants of the dwellings from excessive railway noise.

Noise disturbance from adjacent premises

- 11 *Before the use commences the commercial premises shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between the commercial units and living accommodation/bedrooms in adjacent student flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details*

Reason: To protect the amenity of residents from excessive noise from the commercial premises.

Unexpected land contamination

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

Reason: To ensure proper restoration of the site.

Waste and recycling

- 13 Notwithstanding any information contained within this application full details of the Bin storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.

Reason: To ensure a satisfactory form of development.

Travel Plan

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

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

Travel Plan Coordinator

- 15 Prior to first use or occupation of any part of the development, a travel plan co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority.

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

Surface water drainage

- 16 Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

Foul Drainage

- 17 Before the occupation of the development hereby permitted, works for the disposal of sewage shall be provided on the site to serve the development. Details of such drainage works shall first be submitted to, and approved by, the Local Planning

Authority, the sewage disposal shall be completed in accordance with these approved details.

Reason: To ensure satisfactory means of sewage disposal.

Cycle Parking Provision

- 18 Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.**

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

Floor space re commercial units

- 19 Notwithstanding any details submitted as part of the application any A1 and A3 retail uses shall be restricted to a maximum of 150 sqm (net) floorspace.**

Reason: To safeguard the vitality and viability of defined centers.

Restriction on residential use

- 20 The residential element of the development hereby approved shall be used solely for the purposes of accommodation of students undertaking full time educational courses, unless otherwise agreed in writing with the Local Planning Authority.**

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.

HEADS OF TERMS

Should the application be approved, a section 106 agreement is required for the following items;

- Contribution of £12,000 towards 8no. Street trees with high quality guards and tree grills.
- Contribution of £18,200, towards the major bus scheme as part of public realm/pedestrian enhancements adjacent to the site.
- Contribution of £26,591 towards the replacement footbridge across the adjacent railway line.

INFORMATIVES

On the basis of there being no clear evidence on need, no significant resultant harm arising from the development and balanced against the regeneration benefits the principle of development is considered to be acceptable. The commercial/training elements are also considered acceptable given the lack of harm to the vitality and viability of existing retail centres. The proposal is also considered to be visually acceptable, does not harm the setting of a listed building and does not pose a significant risk to highway safety or the amenity of neighbouring occupiers. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

CS2 - Sustainable Transport and Travel, CS3 - Sustainable Living and Climate Change, CS4 - Economic Regeneration, CS5 - Town Centres, HO3 – development on unallocated sites and EN28 – Listed Buildings

BACKGROUND

1. The application site is that of the former Supreme Knitwear building for which there have been several different applications in the past relating to the past operations of business. More recently there was an application for a Certificate of Lawfulness for use as A1 retail unit. (07/1912/CPE), which was refused due to there being insufficient information to satisfactorily demonstrate a continuous primary retail use for a period of more than 10 years.
2. In December 2008 a similar outline application for a mixed use development of student accommodation and commercial floorspace (App ref. 08/1184/OUT) was withdrawn by the applicant following a recommendation of refusal to Members of the Planning Committee.
3. A revised application was then submitted (App ref 09/0074/OUT) again for a mixed-use development, though on this occasion including training facilities for young persons. The application was dismissed by Members of the Planning Committee on the basis of a lack of need for further student accommodation. In considering this appeal the Planning Inspector dismissed the appeal only on the grounds that a Section 106 agreement was not submitted as part of the appeal; all other matters were considered satisfactory.
4. Since the last Planning Committee when the application was considered, further discussions have taken place with the applicant regards to the issues raised by Members of the Planning Committee. Following on from these discussions the applicant has provided a series of statements/letters from letting agent with regards to demand for student accommodation and indicative drawings of how the students pods may be converted into residential apartments. Officers have also looked at the student accommodation situation elsewhere in the country, where it would appear that other authorities give weight to the market in deciding which types of accommodation is best suited to the individual student needs.

PROPOSAL

5. The application seeks outline planning consent for the erection of a student accommodation building with only the principle of development and the means of access into the site to be considered, all other matters are reserved for future consideration.
6. The supporting design and access statement sets out justification for the building. Again the indicative drawings indicate a building that would fully utilise the triangular nature of the site with two main frontages onto Mandale Road and Middleway, The New Street frontage would be broken in order to provide vehicular access to the site. The design and access statement also includes a scale and massing study to demonstrate how the indicative layout would relate to the overall street scene and Grade II listed Thornaby Town Hall,
7. The design and access statement details that the scheme is to include a mix of student accommodation and appropriate commercial uses on the ground floor. It is anticipated that a mix of A1, A3, D2 and B1 uses will operate on the ground floor with any A1 and A3 uses being restricted to 150m² of net floorspace.
8. It is anticipated that the total amount of student accommodation will be limited to a maximum of 260 student bedrooms.
9. A needs assessment has also been included as part of the proposal. Since the previous Planning Committee meeting further information to support the application has also been provided in the form of letters from letting agents and indicative plans showing how the student 'pod' units can be converted into one and two bedroom flats.

CONSULTATIONS

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

Development and Regeneration

Stockton Council (RED and Planning) is currently refreshing a Development Master Plan for the Mandale Triangle area which promotes the physical regeneration of this key eastern gateway into the borough. The area has been in decline for some years now but there have been encouraging signs recently that regeneration is taking place or proposed in the near future. The recent establishment of a car sales and showroom, proposals for the renovation of Thornaby Town Hall for business incubator space, Highway Improvements as part of the improvement of the local bus network and proposed improvements to Thornaby Station access are signs that this area is in the process of some radical change in the near future. The Supreme Developments proposal will contribute to this positive regeneration activity.

RED welcomes the substantial training element of the scheme. This would assist the youth employment agenda and create new businesses, again complementing the proposals for Thornaby Town Hall opposite. It would seem sensible to explore the possibility of using the building contract as a training opportunity for local youngsters. It will be important that this training facility is clearly integrated into other training provision and facilities already present and planned both within the borough and within Thornaby specifically. The use of local labour and local businesses for the supply of materials should also be ensured through the appropriate Section 106 agreement.

The student accommodation content of the scheme was seen as a contentious issue in the previous application, however if the applicant can demonstrate that the demand exists to justify the scheme then the proposal would receive no objection from RED, other than continued concerns over risk of over supply of student accommodation.

It is noted that the development area as identified by the redline boundary on the Location Plan, encroaches onto green space land adjacent to the public car park that is currently in SBC ownership. In the development Master Plan for Mandale Triangle this area is identified as having potential for a landscaped public plaza area. The car park area will also provide vital spaces for use by occupants and visitors to the Town Hall Business Incubator development. It may be appropriate for the applicant and SBC Urban Design team to look at this area to rationalise the car parking usage for both schemes and also upgrade the associated public realm. RED would welcome these discussions and perhaps some contribution to a scheme could be gained from the developer through the appropriate Section 106 agreement to deliver this.

The Environment Agency

Thank you for referring the above application which was received on 11 February 2010. We have no objections to the proposal as submitted. We would however like to offer the following comments:

Informatives/ advice to LPA

Land contamination

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only consider issues relating to controlled waters.

The site is located on a principal aquifer; however there appear to have been no previous contaminative uses. The applicant's agent has confirmed via email dated 3 March 2010 that from their investigations there have been no other buildings on the site other than the present one since the demolition of the former residential buildings in the 1970s, and that this building has been in use as a knitwear factory since that time.

If however unsuspected contamination is discovered during development, it is recommended that the requirements of PPS 23 should be followed.

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.

Sustainable Energy Use / Renewable Energy Generation:

We consider that a planning application of this scale should incorporate Sustainable Construction and Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the adopted Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 38 (Sustainable Construction) and 39 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised to achieve energy efficiency best practice to meet the Building Research Establishments Environmental Assessment Method (BREEAM). In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

Advice to Applicant

The Environment Agency recommends visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general surface water drainage issues.

If you require any further information or clarification, please do not hesitate to contact me on the details below.

English Heritage

No comments received

Head of Technical Services

I refer to your memo dated: 11th February 2010

General Summary

Urban Design has no objection to this application subject to a S106 agreement and comments detailed below.

Highways Comments

This is an outline application and access is the only matter to be considered, however a Transport Statement and Travel Plan framework have been provided.

The principle of developing this site is acceptable in highway terms and the access arrangements are satisfactory. Should the outline application be approved, reserved matters should be designed and constructed in accordance with the SBC Design Guide and Specification and SPD3: Parking Provision for New Developments. Car parking provision for the mix of uses should be as follows:

Student accommodation	1 space per 4 residents
A1	1 space per 30m ² gross floor area
A3	1 space per 2 seats and 1 space per 5m ² public bar area
Training facilities	1 space per 2 member of staff and 1 space per 15 students

The development also requires the following cycle parking allocation:

Student accommodation	6 cycle spaces per 30 residents
A1	2 cycle spaces per 100m ² gross floor area
A3	4 cycle spaces per 60m ² gross floor area
Training facilities	4 cycle spaces per 30 students

The submitted Travel Plan Framework is a good starting point for a Full Travel Plan. A full Travel Plan should be conditioned for this outline application and an approved version be referenced as part of a reserved matters Application.

The Full Travel Plan should include some interim targets for a modal shift for the development. These can be based upon census information, travel survey data from the University and other local student accommodation.

Details of the Travel Plan Coordinator for this Development should be provided. This should include a named person and contact details, an indication of an available budget available to the TPC to implement the measures and initiatives within the Travel Plan and information of how this post is to operate in relation to the developer. Details of how long the post is to be place for and the longer-term management of the Travel Plan should also be included.

The Travel Plan should include a plan of the development, which clearly denotes the location of the secure cycle storage.

A lower trigger point of occupancy for the first travel survey should be considered.

As part of the monitoring of this Travel Plan the results of the first and then subsequent annual surveys should be made available to the Local Authority.

The Transport Statement shows that 80% of trips from the development in the morning peak, 87% in the evening peak and 83% over a 12 hour period are using sustainable forms of transport. No information is provided on what trip levels are generated by the existing use, however it is assumed that this development will have less of an impact on the highway network during peak hour periods.

The developer has submitted additional plans indicating how the development could be converted into 1 or 2 bedroom apartments. This type of development would have a higher trip generator than student accommodation and would impact on the highway network. The most sensitive route is towards Stockton Town Centre and these are the routes that are within walking distance of this site. Some of these trips however would be by other sustainable modes and the introduction of the bus major scheme will encourage this mode, the developer has agreed to contribute an appropriate amount to this scheme therefore any impact is considered to be mitigated. In terms of car parking for this type of development, in accordance with the Council's SPD3, Parking Provision for New Developments, a maximum of 1.5 spaces per apartment is required. It is therefore recommended should the development be approved that undercroft car parking be provided as part of a reserved matters application in order to ensure adequate car parking can be achieved.

Should the application be approved, the following contributions should be included in the Heads of Terms for the S106 agreement:

- £18 200, towards the major bus scheme as part of the public realm enhancement adjacent to the site, this contribution is based on the number of bedrooms compared to other similar schemes. This will also include pedestrian improvements.
- £26 591 towards the replacement footbridge, this figure is based on proposed pedestrian trip rates for the development.

In summary, there is no highway objection in principle to this application, subject to appropriate contributions as outlined above, a full Travel Plan being conditioned and the car parking provision outlined above is introduced with any reserved matters application.

Landscape & Visual and Built Environment Comments

Whilst we have no objection to the application in principle, master plan proposals have been developed for this area and as a result we would like to make the following comments:

1. An off site contribution will be required for public realm improvements as part of the major bus scheme in accordance with S106 requirements above.
2. A contribution is also sought for a tree lined boulevard of high quality specimen trees along the Mandale Road boundary with the site. The minimum distance required for a tree planting margin adjacent to the carriageway and footway adjacent to the site boundary would be a 7m width. This will result in the need for the proposed building to be slightly relocated to achieve this.

Should the application be approved, the following contributions should be included in the Heads of Terms for the S106 agreement:

- £12000 for 8 trees with high quality guards and tree grills.

The remaining external areas within the site boundary should consist of high quality landscaping features incorporating hard landscaping, street furniture and tree and ornamental planting.

Environmental Health Unit

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

- Noise disturbance from adjacent road traffic
- Noise disturbance from adjacent premises
- Noise disturbance from adjacent railway
- Unexpected land contamination

CE Electric UK

No comments received

Northumbrian Water Limited

No comments received

Northern Gas Networks

No objections

Building Control Manager

From the indicative plans considers that the building could be readily converted to apartments and meet relevant building regulations,

Waste Management

Waste and recycling has been highlighted in the application however waste management will need to see details of the reserved matter application to fully comment on waste and recycling proposals.

PUBLICITY

11. Neighbours have been notified of the application and both a press advert and a site notice have been displayed. A total of 13 objections and 2 letters of support have been received alongside the objection from Durham University.

Durham University

I refer to your letter dated 11th February 2010 asking for comments on a proposed development on the former Supreme Knitwear site in Thornaby.

We replied to yourselves with our letter dated 9 March 2009 in response to the original planning application.

There is very little that the University can add to this letter, except to reiterate in the strongest possible terms its view that there is no need for additional student accommodation in the private sector in Thornaby or Stockton on Tees areas. We are aware of the following schemes that are either in the planning process or are being developed as business cases;

- ACE Tarpaulins, Dovecot Street, Stockton 12 Beds
- 1A Railway Terrace, Thornaby, 196 beds
- Mandale Properties (former JT Doves Site), 200 beds
- Supreme Knitwear, 260 beds

Those four developments alone would add approximately 660 bed spaces to an already oversupplied private sector stock.

As our submission last year indicates, this number would be in addition to the already existing stock of approximately 1300 private sector rooms in the local area (our table B). The University itself also has accommodation for 505 students. If all of these developments were to go ahead, by our calculations we would then have a capacity of over 2400 rooms for our student population of about 1900.

The crucial point here is that only about 70% (not the 85% quoted in this application) of our students require accommodation at any given time, since 30% live at home in the local area. So demand is actually of the order of 1330 rooms, which would leave well over 1000 rooms void.

We appreciate that the Planning Inspector appears reluctant to accept these figures, if you look at the comments quoted in the "Planning, Design and Access Statement" page 3. However, from our perspective the above presents a reasonable and objective analysis of the state of the student housing market at the present time.

A second significant objection which we would wish to make relates to the proposed co-location of student accommodation with the vocational training facilities for young persons. Whilst the provision of such facilities is in itself to be very much welcomed, the experience of the higher education sector in relation to student accommodation is that residences work best in areas that complement student needs. We feel that the juxtaposition of these two elements does not bode well for a harmonious and safe environment. We believe there would be significant risk from the potential interaction of these two groups of young people. One factor to consider is the likelihood that a significant proportion of residents in student accommodation is likely to be from overseas.

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

I trust that we have made our position plain, and that you find it helpful, but please let me know if you need any more information.

Objections

No need for further/oversupply of student accommodation in the area

Lack of parking provision
Increase traffic congestion
Implications for pedestrian safety
Industrial/commercial area not residential
Poor quality accommodation
Shared facilities with training centre is not suitable for resident students
There will be a reduction in student numbers in the future due to economic downturn
Site better suited to commercial operations
Impact of industrial activities (fumes, noise, dust) on residents
Letting agents have a vested interest
Redevelopment of Mandale Triangle needs a large co-ordinated response
No requirement for accommodation for Teesside University students within Stockton
Will set a precedent for other student accommodation developments to be re-considered

Support:

Mandale Triangle is in danger of 'terminal decline'
Will improve property values
Development will create jobs
The development is good for all/welcomed

List of Contributors:

Mr Nick Swift - 12 Kitson Road, London
Mr Scott Stewart - The Old Chapel, Moor Road
Mrs Christina Gage – Longhirst, Darlington Back Lane
Mr Neil Johnson
K Belton of KRD Associates - 49 Mandale Road Thornaby
E Kaps - 12 Stephenson Street Thornaby
Mr Jeffrey Elliott - 40 Trinity Mews Stockton on Tees
Mr John Monaghan - 12 Claremont Court Thornaby
Mr J H Rutherford - 8 Clover Court Stockton
Mr Gordon Howes - 97 Mansfield Avenue Thornaby
Mr Malcolm Grassam - Kexgill Limited 56 Cottingham Road
Aaron Wilson - 17 Egglestone Terrace Stockton on Tees
Abdul Salam - 1 Glasgow Street Thornaby
Peter Duffy
T D Flavell

PLANNING POLICY

12. 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 Plan is the Core Strategy Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).
13. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic

properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:

- _ General Employment Land 255 hectares (ha)

- _ Key Employment Location (Wynyard) 70 ha

- _ Durham Tees Valley Airport 50 ha

- _ Land for Chemical and Steel Industries, up to 445 ha

2. The main locations for general employment land will be:

- _ Durham Lane Industrial Estate. 40 ha

- _ Belasis Technology Park 20 ha

- _ Teesside Industrial Estate 30 ha

- _ Urlay Nook 20 ha

- _ Core Area 10 ha

3. Land for general employment uses will be released in phases as follows:

- a. 2004 - 2011 0 ha
- b. 2011 - 2016 60 ha
- c. 2016 - 2021 60 ha
- d. 2021 - 2024 40 ha

4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.

5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:

- a. North Tees Pools up to 100 ha
- b. Seal Sands up to 175 ha
- c. Billingham Chemical Complex up to 65 ha

If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.

6. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).

7. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies; iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 5 (CS5) - Town Centres

1. No further allocations for retail development will be made other than in or on the edge of Stockton Town Centre during the life of the Core Strategy.

2. Stockton will continue in its role as the Borough's main shopping centre. Up to 2011, the need for additional capacity can mostly be met through committed developments and the

occupation and reoccupation of vacant floorspace. Beyond 2011, there may be a requirement to bring forward new retail developments within the town centre in the first instance, to improve quality and widen the range of the shopping offer in the Borough. The creation of specialist roles for Stockton, for example as a sub-regional historic market town, or through the concentration of a mix of ethnic retailers or small independent chrysalis stores, will be supported. Other initiatives will include:

- i) Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
- ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
- iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- iv) Improving pedestrian links to the riverside.

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

4. Elsewhere, within the local shopping centres of Billingham Green in Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

5. The use of upper floors above shops and commercial premises, particularly for residential purposes, will be encouraged, to support the viability and vitality of the centres.

6. The existing roles played by Teesside Park as an out-of-town location and Portrack Lane as out-of-centre site, are recognised. Whilst no additional retail or leisure development proposals will be encouraged in these locations or any other out of centre locations, any proposals which emerge will be dealt with as under 7 below.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- _ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- _ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- _ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.
4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.
5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.
6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.
7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.
8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.
9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.
10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.
11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.
12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.
13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

Policy HO3

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

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

Policy EN28

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

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

Planning Policy Statement 1– Delivering Sustainable Development

Planning Policy Statement 3– Housing

Planning Policy Statement 5: Planning for the Historic Environment

SPD 6 – Planning Obligations

SITE AND SURROUNDINGS

- 14. The application site is a large industrial style building with associated car parking which is set slightly below the existing road level by approximately 0.5 metres. The site is triangular in its nature and is bounded by three main highways, Mandale Road, Middleway and New Street.
- 15. The existing industrial unit occupies the north-eastern and central area of the site with a large car parking area situated to the south of the building, at present there are a few areas of landscaping on the site boundary helping to soften the existing development.
- 16. A variety of commercial units are in close proximity to the application site, comprising a mix of industrial, warehousing and retail uses. The Grade II listed Thornaby Town Hall lies to the east of the site, given the transport links through the area both the application site and the Grade II listed Town Hall are the prominent buildings within the area.

MATERIAL PLANNING CONSIDERATIONS

- 17. The main planning considerations of this application are the impacts of the development on planning policies, regeneration aspirations, the character of the area, the setting of the listed building, the amenity of the neighbouring properties, access and highway safety and flood risk.

Principle of development;

- 18. The application site lies within the limits to development as defined by the 1997 proposals map and is classed as previously developed land as set out in Planning Policy Statement 3: Housing.
- 19. The principle of development is therefore considered to be acceptable subject to saved policies H03 and EN28 of the adopted Stockton on Tees Local Plan and Adopted Core Strategy Policies CS2, 3, 5, 6, 8 and 10.

Site Sustainability;

- 20. The application site is situated within the 'Mandale Triangle' and lies within 1 km of both the University Campus and Stockton High Street. The site is therefore considered to be within easy walking and cycling distance to the educational facilities and a variety of services in the Town Centre. In addition the proposed development is adjacent to major bus routes and Thornaby Train Station and therefore has excellent public transport links to the Tees Valley region and beyond.

21. Due to these factors the proposed development is considered to be a sustainable location for this type of accommodation and sequentially is an excellent site and would meet the sustainable development and social inclusion agenda set out in PPS1.

Need for student accommodation;

22. PPS3 debates the provision of housing in general, although does not specifically focus on the provision of student housing. In general terms, it is advised that housing provision is focused in sustainable locations on previously developed land, which this proposal achieves.
23. However, Members will be aware that recently there have been several appeal decisions relating to applications for student accommodation, both on this application site and one adjacent on the former Rocket union site; these are material considerations to this decision. In addition the Council's Core Strategy has also been adopted, in which policy CS8 deals specifically with the need for student accommodation, this policy now has significant weight in the determination process. Policy CS8(11) states;

“Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities”.

24. Within the Supreme Knitwear decision (APP/H0738/A/09/2102926) the Inspector concluded that little weight could be given the interim student policy and that the development would help to achieve a balance between the private sector and purpose built student accommodation sector. However, in assessing the need for the development of the Rocket site for student accommodation (APP/H0738/A/09/2117189), the Inspector considered that the provision of a further 250 bedrooms failed to recognise the significant provision made by individual landlords in the private sector. The view was taken that evidence from both the University and private letting agents suggest that the demand for student accommodation remains stagnant; that existing provision is likely to meet demand in the short to medium term; and there would be no obvious need for further purpose built student accommodation. He also concluded that the environment costs of converting the buildings to other uses or in coping with empty surplus student accommodation render development unsustainable and undermine the potential regeneration expected to emanate from the establishment of Queen's Campus in the town. A letter from the planning inspectorate has been received to state that the view taken here was incorrect and the decision should not be used to determine planning applications (see appendices).
25. A needs assessment has been submitted in support of this application it suggests that a total of approximately 1700 students need accommodation and that once the universities accommodation and Rialto court have been considered 830 bedrooms are still required. Durham University however, consider that only 70% of their 1900 students (1300 students) require accommodation. They state that at present there exist some 1300 private sector rooms and 500 rooms provided by the university. Both Durham University and private letting agents in Stockton indicate that there is a sufficient supply of student accommodation over the short to medium term and that further development will lead to an over provision of accommodation. Furthermore the applicant has submitted various letters and statements suggesting that there remains a need for further purpose built student accommodation, although this information is not conclusive in proving a need for further accommodation.
26. In considering the differences between these two views officers have examined the student accommodation market elsewhere in the country. Many authorities do not have specific student accommodation policies and those that do or have carried out assessments have tended to

focus more on the overall quality of accommodation for students and to let the open market decide which types of accommodation are best suited to the individual students needs.

27. It is accepted that Stockton has a relatively small number of students in comparison to the larger university towns and cities elsewhere in the UK and at present the current provision of accommodation is broken up into three areas; university accommodation; purpose built accommodation and private landlords. In the last academic year Rialto Court reached approximately 98% occupancy and upon a recent enquiry approximately 50% of the development is occupied for next term. Whilst this may be much lower, consideration also needs to be given to the fact some students for next year will not be committed to taking accommodation whilst they take 'A'-levels and await their results. Some additional students may also come through the clearing process and this figure may rise and cannot be taken to be the definitive occupancy level for the next academic year.
28. In considering all of the above issues and the evidence before the Local Planning Authority a view has therefore been reached that within Stockton it is extremely difficult to prove or disprove completely that there is either a need for further student accommodation or that there is an over-supply of accommodation. It therefore remains difficult to meet the proven need requirements set out in the Core Strategy (policy CS8(11)). The planning system does not exist to protect the private interests of one person against another or competition issues and as is seen appropriate elsewhere in the UK it is considered that the market should be allowed to determine which types of accommodation meet the requirements of the students housing needs and approval of the scheme would help achieve a balance between private rented and purpose built student accommodation sectors.

Harm of allowing further purpose built student accommodation

29. Following on from the need issues above and the decision that it is difficult to reach a clear view on the evidence before the LPA at this moment in time, an assessment has been carried out as to what harm approval of this student accommodation could cause. The assessment of harm has focussed on two main areas, the impact to the existing areas where student accommodation is provided and also the ability to convert the building to alternative uses.

Impact on existing areas of student housing

30. As mentioned earlier Stockton has a relatively small student population (approx 1900 students) these students tend to be focussed in areas in close proximity to the Town Centre and University Campus. The three highest concentrations of students are in the following wards; Mandale and Victoria (2.75%), Parkfield and Oxbridge (2.08%) and Stockton Town Centre (1.3%).
31. Given the low concentrations of students within these wards it is unlikely that any significant harm would arise in these areas. Should students be attracted away from the housing provided by private landlords, it is reasonable to assume that the low quality housing would be left vacant as the students will seek to find the best accommodation they can afford. Landlords would either have to improve the quality of their accommodation to compete or seek alternative options such as the accommodation remaining as houses of multiple occupation or being available on the private market for either sale or rent.
32. Given the low concentrations of students within the Borough's wards it is not considered that any significant harm would arise out of approving this additional purpose built student accommodation. Although some housing stock may become vacant this may have the added benefit of releasing some housing stock back for private rent or sale.

Ability to convert the building

33. Should the perceived student demand not materialise it is important to ensure that the building is capable of being converted to an alternative use. Additional indicative drawings have been

submitted to show that the student 'pods' are capable of being converted to apartments. The Building Control manager has assessed the drawings and considers it is possible to convert the building and meet the relevant building regulations.

34. The Acting Head of Technical Services has also considered the principle of the building being converted into apartments. Whilst the conversion may mean that this type of development would generate a higher proportion of trips on the highway network, there are a number of walking routes towards the Town Centre and some other trips could be made by other sustainable modes such as the introduction of the bus major scheme. Undercroft car parking should therefore be provided as part of a reserved matters application in order to ensure adequate car parking can be achieved.
35. During the previous appeal decision for the Supreme Knitwear site the Planning Inspector stated that the proposal would not have an unacceptable affect on the amenities and the existing use of land and buildings which ought to be protected in the public interest. This view has not changed since the previous application and the use of the building for residential development is considered acceptable whether this be for student accommodation or private apartments.
36. On the basis of the above considerations it is not considered that the proposed student accommodation would result in any significant harm to either those areas with existing student populations or result in a building which could not be converted into an alterative use.

Regeneration Aspirations;

37. It is noted that the application site is a key gateway site into both Thornaby and Stockton. The Council has wider aspirations for the regeneration of the 'Mandale Triangle' and is currently refreshing a Development Master Plan for the area. The Master Plan promotes the physical regeneration of this key eastern gateway into the borough and aims to address several years of decline. More recently there have been some encouraging signs that regeneration is taking place or proposed in the near future, these include the recent establishment of a car sales and showroom, proposals for the renovation of Thornaby Town Hall for business incubator space, Highway Improvements as part of the improvement of the local bus network and proposed improvements for access to Thornaby Station.
38. It is recognised therefore, that the proposal could have some key benefits in terms of regenerating this area of the borough and attracting other uses/development into the 'Mandale Triangle' as well as improving the surrounding environment, particularly in relation to the listed Thornaby Town Hall. Should Members decide to support the application, it is also important to consider the proposals against the other student applications that have been put forward and are under consideration at appeal to try and ensure the most suitable and sustainable sites are developed where possible.
39. The Head of Regeneration and Economic Development has noted the previous refusals of the student accommodation scheme on the site, however if the applicant can demonstrate that the demand exists to justify the scheme then no objections would be offered. It is also suggested that the use of local labour and local businesses for the supply of materials and investigations into contributions towards public realm are considered as part of any appropriate Section 106 agreements.

Vitality and Viability of Stockton Town Centre;

40. Clearly the proposed development proposes some commercial uses, of which some can be classed as Town Centre uses on a site that is in an out-of-centre location. However, uses such as the A1 and A3 classifications can be restricted in size through planning conditions and given that the vast majority of the proposed commercial use would primarily serve the needs of

student population. The proposed commercial uses can therefore, to a large extent be classed as ancillary to the main purpose of the building.

41. On this basis the proposed commercial uses are therefore not considered to have a significant impact on, or cause significant harm to either Stockton or Thornaby Town centres and the proposal is not considered to be contrary to retail planning policies.

Impact on the character of the area;

42. The existing building is not visually attractive and offers little to the street scene as a whole and the proposed redevelopment of the site would provide the opportunity to improve the appearance of the site and provide the chance of a signature high quality building.
43. The scale of the building adjacent to Thornaby Town Hall has been amended and it is considered that the Town Hall should remain the dominant element within the street scene and act as the landmark building.
44. The Council's landscape officer has raised no objections to the proposed development subject to a contribution towards a tree-lined boulevard of high quality specimen trees along the Mandale Road boundary with the site. It is considered that 8 no. trees would be required and a sum of £12000 would secure the trees, high quality guards and tree grills.
45. Overall the scale and massing of the building as detailed in the indicative design is considered to be acceptable. Details of the final appearance of the building would be required as part of the reserved matters application, at this stage a high quality design and use of material would be required in order to ensure that the development provides an attractive gateway into both Stockton and Thornaby. Therefore, on balance the proposed development in terms of its scale and massing is considered to be acceptable at this stage, although a high quality design and use of material would be required as part of a reserved matters application.

Setting of listed building

46. Again the proposal has been considered in relation to the impact of the development on the setting of the adjacent listed building. The scale and massing study has been revised since the original application and remains in accordance with the previous revised scheme. The principle of the scale and massing as shown and submitted is therefore considered to remain acceptable subject to appropriate detailing, which will form part of a reserved matters application.
47. On this basis the development is considered to be acceptable and would not have an over dominant impact of the setting and prominence of Thornaby Town Hall. Accordingly the proposal is considered not be to detrimental to the setting of the listed building, and accords with saved policy EN28 of the adopted Local Plan.

Impact on levels of amenity;

48. The surrounding area is made up of a mix of commercial premises, the proposed development is considered to be a suitable type of development for the town centre fringe area and subject to accordance with Building Regulation provisions with regard to noise insulation, should not unduly affect the surrounding area or adjacent premises. Were the application to be approved, it is considered appropriate conditions would be necessary in order to ensure adequate noise insulation is achieved for the future occupiers. Conditions should also be applied in relation to noise disturbance from the adjacent roads and railway.
49. Therefore the proposed development is not considered to have a detrimental impact on existing levels of amenity and the future users of the development will benefit from an acceptable standard of amenity. The proposal therefore accords with policy CS3 in this respect.

Access and Highway Safety;

50. The Acting Head of Technical Services has considered the information supplied as part of this Outline planning application, including the submitted Transport Statement and Travel Plan framework and the access arrangements into the site are considered to be satisfactory.
51. It is noted that the proposal seeks only outline planning permission at this stage and the mixed use development should be designed and constructed in accordance with the SBC Design Guide and Specification and SPD3: Parking Provision for New Developments and provide satisfactory levels of cycle parking provision. The submitted travel plan framework is considered to be acceptable, although final details will be required as part of a full application.
52. The Transport Statement shows high percentages of trips will be from sustainable forms of transport (80% in the morning peak, 87% in the evening peak and 83% over a 12 hour period) and it is assumed that this development will have less of an impact on the highway network during peak hour periods, than the current use. Given the high proportion of sustainable transport methods, contributions should be sought towards the major bus scheme public realm enhancement/ pedestrian improvements and towards the replacement of the footbridge across the railway line.

Flood Risk

53. The Environment Agency has considered the information supplied in support of the application and has no objections to the proposed development. They have however drawn the Local Planning Authority/developer to various informatives. Where appropriate these will be included on any decision notice. It is therefore considered that the proposed development will not pose any significant threat to flood risk, and the development accords with national planning guidance in the form of PPS25.

Residual Issues

54. Concerns have been raised in relation to the impact of surrounding industrial uses on the levels of amenity of potential future occupiers of the development. Whilst these concerns are appreciated the Environmental Health Unit are satisfied that the development and surrounding uses are compatible with one another subject to conditions regarding provision for adequate noise insulation.
55. Concerns in relation to the development creating a precedent are appreciated, however, each application must be judged on its own merits and determined in accordance with relevant planning policy at that time.

CONCLUSION

56. The issue over student need has been considered and re-assessed, it is now considered that there is little evidence to either prove or disprove the need for further student accommodation. Accordingly the harm that approval of a purpose built student accommodation development has also been considered. Given the ability to convert the building into an alternative use and the low concentrations of student number within the Borough's wards it is considered that the proposal does not pose any significant harm.
57. In all other aspects such as the scale and massing of the proposal, the impact on the amenity of the neighbouring occupiers the scheme is considered to be acceptable. On this basis the proposed development is considered acceptable and is recommended for approval subject to a section 106 agreement.

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

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

As report

Human Rights Implications.

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

Background Papers.

Stockton on Tees Local Plan

Stockton on Tees Core Strategy

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 3; Housing

Planning Policy Statement 5: Planning for the Historic Environment

SPD 6 – Planning Obligations

Planning Application 08/1184/OUT & 09/0074/OUT

Appeal decisions APP/H0738/A/09/2102926 & APP/H0738/A/09/2117189