

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

3rd OCTOBER 2012

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

12/1586/OUT

The Rocket, Railway Terrace, Thornaby

Outline application for the demolition of existing building and erection of student accommodation with cafe/bar

Expiry Date 4 October 2012

SUMMARY

The application site is a two storey building with a large industrial style building with associated car parking to the east, which formed the former Rocket Union. The building has been vacant for a number of years and its condition has continued to deteriorate. The Grade II listed Thornaby Town Hall lies to the west of the site, while a variety of commercial units are in close proximity

Members may recall that previous applications (08/2713/FUL & 09/0500/FUL) for student accommodation was refused by the Planning Committee, with the later also being dismissed on appeal.

Outline planning consent is sought for student accommodation with a cafe/bar, only the principle of development is sought with all matters being reserved for future submission. The supporting documentation also indicates that provision for approximately 200 student beds will be provided

In view of the above considerations, a view remains that there is no clear proven need for student accommodation and the proposal would fail to satisfy the requirements of policy CS8(11) in this respect. However, the site is in a sustainable location and would have some regeneration benefits and therefore meet with these aspects of policy CS8 (11). There remains some potential for the building to be converted to an alternative use, though any application would need to be fully considered at this time. Significant weight is given to the Governments aims for achieving economic growth and the proposed development clearly meets with several of these aims in that it will regenerate a previously developed site and provide a significant level of investment into the borough creating jobs and prosperity. It is considered that these benefits would outweigh any harm that may arise out of the development not meeting a clearly proven need for student accommodation.

RECOMMENDATION

That planning application 12/1586/OUT be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and subject to the following conditions and informative.

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*
1230/L100 *28 June 2012*

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, landscaping and means of access to 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, shielding 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, the NPPF and government guidance on climate change.

Noise disturbance

- 09 ***Prior to the commencement of the development hereby approved by this planning permission a scheme for the protection of the proposed residential accommodation from both internal and external sources shall be submitted to and approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties. The scheme shall achieve internal noise levels of less than 35 dB(A) Laeq in living rooms, less than 30 dB(A) Laeq in bedrooms, and individual noise events not to exceed 45dB LAFmax in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.***

Reason: To protect the amenity of residents from excessive noise from the neighbouring commercial premises and transport routes.

Construction Activity;

- 10 ***No construction activity or deliveries shall take place on the site outside the hours of 8.00 am - 6.00 pm Monday to Friday, 8.00 am – 1 pm Saturday and nor at any time on Sunday's or Bank Holiday's.***

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

Open burning;

- 11 ***No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.***

Reason: To prevent pollution of the environment and in the interests of the amenities of the neighbouring residents.

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

Traffic management – term times

- 16 Prior to the first occupation of the hereby approved development a scheme detailing traffic management arrangements for the start and end of terms, to enable students and their belongs to be brought/removed from site shall be submitted to and approved by the Local Planning Authority. Thereafter the proposed development shall be managed in accordance with the agreed scheme.

Reason; In the interests of the free flow of traffic and highway safety.

Surface water drainage

- 17 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 SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of the NPPF and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

- 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.
- Café/Bar – Hours of operation**
- 19 The hereby approved café/bar shall not be open outside the hours of 7.00am-11.00pm.
- Reason: To protect the amenity of the nearby residential properties.
- Café/Bar – Control of use**
- 20 Notwithstanding the provisions of Class A3/A4 of the schedule to the Town and Country Planning (Use Classes) Order 2005 as amended, the proposed commercial unit shall be used as a café/bar only.
- Reason: To enable the Local Planning Authority to retain control over the development.
- Restriction on residential use**
- 21 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 as amended 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.
- Fume extraction;**
- 22 *Before development commences details of a ventilation and fume extraction system in accordance with the details to be submitted and agreed in writing with the Local Planning Authority for approval. Such details shall include a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.*
- Reason: To ensure a satisfactory form of development.
- Fat/Grease Trap;**
- 23 *Prior to the commencement of the use hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.*

Reason: To ensure a satisfactory form of development.

Site Waste management Plans

- 24 ***No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.***

Reason: To ensure a sustainable form of development and to accord with guidance contained within Stockton on Tees Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change

INFORMATIVES:

On the basis of there being no clear evidence on need for further student accommodation and any resultant harm being outweighed by the regeneration and economic benefits of the proposal, the principle of development is considered to be acceptable. The commercial elements are also not considered to 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

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

HEADS OF TERMS

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

- Contribution of towards public realm improvements along Railway Terrace – sum to be confirmed
- Local labour agreement

BACKGROUND

1. A previous application (08/2713/FUL) for student accommodation was refused by the Planning Committee on 26th November 2008 on the basis that the development failed to meet a proven need, would have had an adverse impact on the character of the area and detract from the setting of a listed building.
2. A further application (09/0500/FUL) that altered the design of the previous submission to a more traditional approach was also refused by members of the planning committee on the 20th May 2009. The application was again refused on the basis there was no proven need, there being insufficient space for landscaping and insufficient incurtilage car parking. An appeal was

lodged and also dismissed. In reaching his decision the Planning Inspector concluded that; supply and demand for student accommodation would broadly balance and there would be no obvious need for further purpose build accommodation; that the living standards offered by converting the premise to residential apartment (as a result of my lack of demand) would not be adequate for modern living; and, raising concerns over the level of parking provision provided as part of that scheme (copy of the appeal decision is attached to the appendices).

SITE AND SURROUNDINGS

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

PROPOSAL

5. Outline planning consent is sought for student accommodation with a cafe/bar, only the principle of development is sought with all matters being reserved for future submission. Indicative drawings have been submitted for the scale, massing and design of the building along with the site layout. The indicative drawings show a similar style and format to a previous scheme that took influence from converted warehouses. The supporting documentation also indicates that provision for approximately 200 student beds will be provided.

CONSULTATIONS

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

Local Ward Councillors

No comments received

Environmental Health Unit

I have concerns regarding noise disturbance to the residential areas within this development. This noise may be from adjacent commercial premises, railway traffic, road traffic and internally between flats and from communal areas such as the proposed bar/café. An assessment by a noise consultant will be necessary in order to establish where or whether acoustic protection is required. Measures required may include sound insulation, acoustic double glazing, provision of mechanical ventilation or screening to achieve acceptable noise levels in living rooms and bedrooms within the development. I would therefore propose the following condition.

- Noise disturbance
- Site Waste management Plans
- Drainage - grease trap
- Light Intrusion
- Odour nuisance
- Open burning
- Construction Noise
- Unexpected land contamination

Head of Technical Services

I refer to your memo dated: 13/07/12

General Summary

Subject to the comments below Technical Services have no objections to the principle of this development.

Highways Comments

This is an outline application with all matters reserved however indicative plans have been submitted and comments are based on these.

In accordance with SPD3: Parking Provision for Developments 2011, student accommodation should provide 1 incurtilage car parking space per 4 residents and 1 secure cycle storage space per 5 residents. This equates to 50 car parking space (with 10% of overall provision being designated for disabled use) and 40 secure cycle spaces. No details of the proposed café/bar have been provided; in accordance with SPD3: Parking Provision for Developments 2011 a bar should normally provide 1 car parking space per 5m² of public floor space however it is accepted that it is likely to primarily serve the residents of this proposal.

A Transport Statement has been submitted and it is accepted, as with previous applications, that this is a sustainable location for student accommodation given its proximity to Durham University campuses, Stockton Town Centre and Thornaby train station.

However the location in itself is not enough to prevent students bringing cars to the site therefore the provision of onsite car parking is essential in order to ensure that the development does not have a negative effect on the surrounding highway.

This application proposes undercroft parking providing 38 spaces, 4 of which would be designated for disabled use. It is considered that in conjunction with a Travel Plan, cycle storage and a management plan for the start and end of term, the provision of 38 spaces is acceptable in this instance.

The submission of a full Travel Plan should be conditioned should this application be approved to be submitted prior to occupation of the site. This should include the details of the Travel Plan Coordinator and details of measures to increase sustainable travel modes and how the travel plan is to be monitored and reviewed. It would be encouraged for the Travel Plan Coordinator for this site to work closely with the University and be involved in their Travel Plan working group. The promotion of the travel plan through a welcome pack for the students staying at this development and the inclusion of free incentives are positive measures to be included within the full travel plan.

Cycle storage must be both covered and secure; it should not be combined with bin storage as this will discourage its use. This should be conditioned accordingly.

The management plan should detail how the applicant proposes to deal with the influx of residents all arriving (and leaving) on the same day to ensure that vehicles are not parked indiscriminately on the surrounding highway; this might include a booking system so that residents arrive/leave within a given time slot. This plan should also detail how the car parking spaces are to be allocated; whether it be first come first served or whether residents will have to meet certain requirements and whether any of the spaces will be allocated for staff. This should be conditioned accordingly.

It is proposed to take vehicular access from the adopted alley between Railway Terrace and Frederick Street; in order to accommodate the additional vehicle movements this alley would need to be made one-way with any and all costs associated with the Traffic Regulation Order and any signs/road markings required being met by the applicant.

Full details of bin storage and collections must be provided; this should be conditioned accordingly.

Landscape & Visual Comments

This development is similar to the previous applications for this site - (08/2713/FUL & 09/0500/FUL) in terms of landscape and open space and comments are made as follows:

This development has allowed for an area of open space to the rear (south east) of the eastern block which should be detailed to form seating areas and tree planting to screen views of the adjacent industrial premises. This is an improvement over the previous layout 08/2713/FUL.

The eastern block is still close to the adjacent industrial buildings to the north east of the site and ideally space should be created to allow for planting to soften views of this industrial area.

The section drawing shown on plan ref 1230/SK102 indicates a line of specimen trees designed to soften the scheme. As mentioned in the memo replies on the previous applications there is insufficient space for trees to grow in these areas and as such these trees must be deleted from the drawings - both the section and the plan.

The car parking located in the gap between the residential blocks should have underground car parking. This will enable the open spaces around these buildings to be utilised for landscaping rather than access roads and car parking.

These open spaces should contain high quality hard landscaping to complement the buildings and tree planting along the south eastern boundary to soften views of the industrial estate. The provision of new trees within the development will also compensate for the loss of the on the site tree planting.

Condition wording is attached below in the informative section.

Informative

UDLV01	LANDSCAPING - HARDWORKS
UDLV02	EXISTING AND PROPOSED LEVELS
UDLV03	ENCLOSURE
UDLV04	STREET FURNITURE
UDLV05	LIGHTING
UDLV06	LANDSCAPING - SOFTWORKS

Built Environment

The proposed scheme reflects a very similar demonstration of scale and massing to that of the previous applications for this site (08/2713/FUL & 09/0500/FUL). Comments made on both applications recommended that a visual split was made within the block adjacent to the listed Town Hall to create the appearance of building separation, design elements such as a glass atrium was suggested to create this. The recommendation above stills applies to this application and although proposed detailing in terms of height transitions seeks to break up the frontage, the physical street elevation massing of block 1 is still considered to provide a negative impact on the adjacent listed Town Hall. It is noted that its states within the Design and Access Statement that any detail with regards to scale shall be detailed at reserved matters stage, I would strongly recommend that the above recommendations are taken on board and submitted as part of any reserved matters application.

The proposed Victorian railway warehouse is considered to be of an appropriate style and would recommend that any fenestration detailing such as balconies and railings reflect a more contemporary style to ensure that the building does not become a pastiche Victorian replica. The proposed development indicates a distinct lack of amenity space for the proposed residents and given the future use of both the student accommodation and proposed café/bar, public realm improvements will be required to Railway Terrace to ensure that the appearance and connectivity

of the immediate public space supports these future uses whilst enhancing the setting of both the proposed development and listed Town Hall.

It is recommended that the applicant enter into a section 278 agreement to provide offsite public realm improvements as part of improvements to Railway Terrace. This would form the whole area of Railway Terrace up to the A1130 including the integration of the proposed development with the station footbridge and recent improvements to the setting of the listed town hall to enhance the site as a gateway to Thornaby. This is an important gateway space and negotiations should be entered into with the developer to secure a contribution.

Northern Gas Networks

No objections

Northumbrian Water Limited

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

Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by 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.

A 1200 mm diameter interceptor sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost. A plan showing the location of the sewer is enclosed. The developer should contact Maurice Dunn (tel 0191 419 6577) to discuss the matter further.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Development and Regeneration

The Mandale Triangle area is in much need of investment and regeneration. The former Rocket site is a typical component of this area that would benefit from positive development, complementing other development opportunities in the locality. The external appearance of the proposal for student accommodation appears to reflect elements of the adjacent listed building, Thornaby Town Hall, but the scale and mass of the development will detract from the iconic focal point currently enjoyed by that building.

There is a concern over the risk that this additional student accommodation could create an overprovision to the supply that already exists in the borough, including Mezzino and Teesdale, and that proposed in the Durham University campus style expansion

The applicant will need to satisfy himself that policies and conditions within the educational sector associated with accommodation provision enable this development to meet and complement any projected demand for student accommodation.

Private Sector Housing - Mr Dave Dawson

Although the Private Sector Housing Division has no objections to this outline application the applicant should be made aware that he will need to ensure any development meets the Council standards for amenities for houses in multiple occupation. The development may also be subject to licensing requirements and the applicant is advised to contact the division for any advice and assistance in meeting the requirements of licensing.

Network Rail

No comments received

Durham University Administration Queen's Campus

No comments received

Thornaby Town Council

Thornaby Town Council fully support the above application

Natural England

No objections, but advise the authority to accept the findings of the bat report and to consider promoting biodiversity enhancements for bats (e.g. new roosting opportunities, creation of habitat linkages or species rich feeding areas) in accordance with the NPPF and Section 40 of the NERC Act.

Spatial Plans Manager

This spatial planning response is to application 12/1586/OUT for outline permission for the demolition of an existing building and erection of student accommodation with cafe/bar.

NATIONAL PLANNING POLICY

The National Planning Policy Framework (NPPF), adopted March 2012, sets out the Government's planning policies for England and how these are expected to be applied. The sections of the NPPF which are of most relevance to this application are:

The presumption in favour of sustainable development
Section 7: Requiring good design
Section 12: Conserving and enhancing the historic environment

LOCAL CONTEXT

Policies contained with Stockton-on-Tees Core Strategy Development Plan Document which are of particular relevance to this application are summarised below:

CS1 'The Spatial Strategy'
CS2 'Sustainable Transport and Travel'
CS3 'Sustainable Living and Climate Change'
CS8 'Housing Mix and Affordable Housing'

Saved Local Plan policy EN28, which relates to the setting of listed buildings, is also material in the determination of this application.

SPATIAL PLANNING COMMENTS**Sustainability and regeneration**

The site is located within Mandale Triangle and lies approximately 1 km from the University Campus and Stockton High Street. As referenced within the officer's report for application 09/0500/FUL the site is "considered to be within easy walking distance 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 the train station... 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..." The proposal is considered to be in general conformity with CS1 'The Spatial Strategy'.

The officer's report to application 09/0500/FUL also noted that the proposal "could have some benefits in terms of regenerating the surrounding area which lies opposite the 'Mandale Triangle'

and attracting other uses/development into the 'Mandale Triangle' and surrounding area..." The Regeneration of 'Mandale Triangle' continues to be a Council commitment.

Need for Student Accommodation

Point 11 of Core Strategy policy CS8 is material in the determination the proposal:

"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."

As previously discussed the proposal is considered to be conveniently located for access to the University and local facilities. The planning statement submitted as part of the application contends that there is a proven need for the development stating that there is currently a private sector/landlord surplus of bed spaces, there are currently no commitments and the university is planning to expand meaning there will be an additional need. You must be satisfied that the proposal meets a proven need.

Impact on the Historic Environment

The site is located adjacent to the Grade II listed Thornaby Town Hall. Therefore section 12 'Conserving and enhancing the historic environment' of the NPPF and saved policy EN28 will be material in the determination of the application.

Paragraph 6 of the NPPF advises that "The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system". It is therefore implicit that proposals that fail to adhere to the historic environment policies contained within the NPPF are not sustainable development.

Café/Bar

The proposal includes a café/bar which will mainly be used by residents of the student accommodation but also be open to the general public. The planning statement submitted as part of the application discuss the last use of the premises as a student union, that the proposal for a café/bar is essentially ancillary to the principle use of the proposed development and that the proposal should be deemed entirely acceptable given the fall back position of existing uses. It will be important to consider the permitted use class of the existing premises and whether the fall back position is justified. It will also be appropriate to consider the scale of the proposed café/bar and potentially condition accordingly.

SUMMARY

In summary, the proposal is considered to be in general conformity with CS1 'The Spatial Strategy, being in a location suitable for this type of development. The main considerations will be the impact upon the historic environment and demonstrating that the proposal meets a proven need.

Conservation and Historic Buildings Officer

A new development of this nature in the Mandale Triangle may give the area a much needed regeneration boost and could also support a new or complimentary use within the Town Hall. I therefore have no objection to the proposed use or the development in principle.

We must however be satisfied that the setting of the heritage asset the Town Hall is preserved by any development in such close proximity and does not jeopardise any future use of this grade II listed building.

The NPPF states that:

Local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those

elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Much of the significance of the Town Hall stands not only in its important use as a public building of stature, but its landmark status as an instantly recognisably building from many vantage points across Stockton particularly due to its impressive clock tower and uncompromising elevated views.

The indicative proposals shown in the supporting planning statement show that the massing and bulk of the flatted development gradually steps and increases in height away from the Town Hall along Railway Terrace intended to respect its prominent position. Also the strong building line of the Town Hall on Railway Terrace is respected which is welcomed.

I appreciate that the application is an outline with all matters reserved therefore limited information can be requested to justify the proposals in respect of scale and design. However, I do have reservations that the scale of the highest parts of the development at 8 stories when viewed in a wider context may appear to be overly dominant in terms of the relationship with the Town Hall. I would therefore request that indicative views through means of modelling or photomontages (in simple block form) of the main viewpoints showing the scale of the proposal are provided in order to judge the impact of the scale and massing of the proposal on the setting of this grade II listed heritage asset. In particular the approach from Victoria Bridge and from Mandale Road will be critical.

PUBLICITY

7. Neighbours were notified and comments received are set out below:-

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

- Contrary to policy CS8 - No evidence or proven need for further student accommodation
- Rialto/Mezino accommodation failed commercially
- Previous appeal decision dismissed similar development no change in circumstances
- High costs associated with purpose built accommodation
- Café/Bar may cause security risk to vulnerable students
- Area is an industrial location and not a residential area
- Impacts on existing businesses/ working patterns
- Impacts of noise from surrounding railway/industry on proposal
- Storage of high pressure cylinders adjacent to site proposal
- Lack of car parking facilities
- Concerns over the access to the site and impacts on existing traffic levels
- Will lead to noise and disturbance for neighbouring residents
- Will increase litter in the surrounding area
- Lack of outside public areas
- Future use(s) of the building
- Impact on amenity of neighbouring occupiers/residents
- Inappropriate design
- Loss of privacy
- Increase anti-social behaviour
- Building is too large and overbearing
- Plans for 3rd college on the North Shore – further reducing demand
- Site too small for numbers proposed
- Inaccuracies within planning statement
- Durham only has limited student population (2,000) compared to other cities such as Newcastle upon Tyne, Sheffield, Nottingham & Leeds (20,000 to 30,000)

Objectors:

Peter Colling Maude - Jubilee House 6 Roundhill Road
Mr Aaron Wilson - 8 Leicester Way Eaglescliffe
Mr C Wescomb - 19 Trinity Mews Thornaby
Mr C Wescomb - 17 Trinity Mews Thornaby
Neil Johnson - 4, Tenby way, Eaglescliffe,
Mr Scott Stewart - The Old Chapel Moor Road, Melsonby
Mr Robert Thompson - 2 Claremont Court Thornaby
Mrs Bridget Logan - Teesdale Lodge Nursing Home Radcliffe Crescent
Mr John Rutherford - 8 Clover Court Stockton-on-Tees
Shaun Smith - Motorcool Services Limited Unit 17 Bonlea Trading Estate
Mr and Mrs Tennant - 33 Rochester Court Stanford Close
Mr Frank Stephenson - 20 Rochester Court Stanford Close
John Monaghan - 12 Claremont Court Thornaby
Gordon Howe - 97 Mansfield Avenue Thornaby

1 Letter of support has been received raising the following issues;

- Will help redevelopment of the Town Hall and general regeneration of the area.

Keith Belton - 49 Mandale Road, Thornaby

1 letter of neutral comment has been received stating;

- Site better suited to long-term employment use

Mr Nick Swift - 12 Kitson Road London

PLANNING POLICY

8. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
9. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
10. 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.

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.

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.

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.

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 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.

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

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.

Core Strategy Policy 11 (CS11) - Planning Obligations

- 1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.
- 2. When seeking contributions, the priorities for the Borough are the provision of:
 - _ highways and transport infrastructure;
 - _ affordable housing;
 - _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved 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.

Saved Policy EN28

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

National Planning Policy Framework

11. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

The relevant sections of the NPPF are;
Section 1. Building a strong, competitive economy
Section 2. Ensuring the vitality of town centres
Section 6. Delivering a wide choice of high quality homes
Section 7. Requiring good design
Section 12. Conserving and enhancing the historic environment

MATERIAL PLANNING CONSIDERATIONS

12. 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;

13. 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 the NPPF. National planning guidance set out with the NPPF sets out 12 core principles that planning should follow and take into consideration, including a need to proactively drive and support sustainable economic development and always seek to secure high quality design and a good standards of amenity. More specifically paragraph 18 sets out that Government is committed to securing economic growth in order to create jobs and prosperity, whilst paragraph 19 states that that the planning system should do everything it can to support sustainable economic growth and not act as an impediment to sustainable growth. Paragraphs 57 and 70 specifically encourage that development; is of a high quality and creates inclusive design for all, thereby establishing a strong sense of place and creating attractive and comfortable places to live, work and visit; creates safe and accessible environments.

14. Policy CS8(11) of the Core Strategy sets out that major planning applications for student accommodation should demonstrate a proven need for the development, meet with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities. The previous appeal decision for this site is also considered a material consideration (albeit pre NPPF). These policy considerations will be assessed in determining whether the principle of development is acceptable or otherwise;

Need for student accommodation;

15. Members may be aware that over recent years there have been several appeal decisions relating to applications for student accommodation, both on this application site, the Supreme Knitwear site and others within or near to Stockton Town Centre all of which are material considerations. Two decision which are of particular interest are the Supreme Knitwear appeal decision (APP/H0738/A/09/2102926) which concluded that little weight could be given the interim student policy, However, in assessing the need for the development of the Rocket site for student accommodation (APP/H0738/A/09/2117189) the Inspector considered the demand for student accommodation remained stagnant and that there would be no obvious need for further purpose built student accommodation. The Core Strategy has now been adopted and as outlined above CS8 deals specifically with the need for student accommodation and carries weight.

16. Many of the objectors have raised concerns in relation to the lack of demand for further student accommodation and made reference to policy CS8(11). The 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. Not comments have been provided by Durham University. In contrast, a needs assessment has been submitted by the applicants which suggest that a total of approximately 1700

students need accommodation and that once the universities accommodation and Rialto court have been considered 890 bedrooms are still required and that this is generally picked up by the Private landlords.

17. In considering the differences between these two views officers have again 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. 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 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 the introduction of the National Planning Policy Framework has changed the planning system and introduced new material planning considerations. It has been deemed as an appropriate approach elsewhere in the UK 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

18. 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 existing area where student accommodation is provided and also the ability to convert the building to alternative uses.

Impact on existing areas of student housing;

19. As mentioned earlier Stockton has a relatively small student population (approx 2000 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%). 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 lowest 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. As a result it is not considered that any significant harm would arise out of approving this additional purpose built student accommodation.

Ability to convert the building;

20. Should the perceived student demand not materialise it is important to consider 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 potential for the building to be used for office accommodation or a mixed-use scheme would also remain.

21. During the previous appeal decision for the site the Planning Inspector stated that conversion of the building to residential accommodation would result in standards of residential amenity that were not commensurate with modern living standards as a result of the single aspect and surrounding industrial uses. These concerns would remain and any alternative use as a result of the failure of the proposed development would need to be carefully considered at a future date to ensure that the required standards are met. One benefit of this current scheme is that an increased level of incurtilage parking has been provided which would allow for some increased flexibility. On the basis of the above considerations it is considered that there would be a degree of harm arising from the conversion of the proposed student accommodation to residential accommodation as an alternative use. However, possibilities would remain for alternative uses to be considered.

Site Sustainability;

22. 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. Other convenience shopping facilities are also located in close proximity to the site. In addition the proposed development is adjacent to major bus routes and the Train Station and therefore has excellent public transport links to the Tees Valley region and beyond. Due to these factors the proposed development is considered to be a sustainable location for this type of accommodation and the proposal therefore meets this requirement of policy CS8(11).

Regeneration Aspirations/Economic benefits;

23. 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 the area as a whole is in need of investment and regeneration. More recently there have been some encouraging signs that regeneration is taking place these include the recent establishment of a car sales and showroom, a new gym and ongoing proposals for the renovation of Thornaby Town Hall, Highway Improvements as part of the improvement of the local bus network have also been carried out. The Head of Regeneration and Economic Development has commented that The Mandale Triangle area is in much need of investment and regeneration and feels that the applicants should satisfy themselves that there is sufficient need for student accommodation.

24. With a development of this scale it is recognised that there would be some key benefits in terms of regenerating this area as improving the surrounding environment (particularly in relation to the listed Thornaby Town Hall,) the level of investment/ potential spend within the area and the creation of employment (both during and after construction). These are material planning considerations and should be given weight, albeit they need to be weighed against all other material planning considerations.

25. Furthermore and as members may be aware the current Government has stated a need to achieve economic growth and the planning system is seen as a key driver in achieving this. The NPPF reflects this approach. In particular it states that the reuse of previously developed land should be strongly encouraged; that the planning system should 'do everything it can' to support economic growth and not act as an impediment to sustainable growth; support sustainable economic development to deliver the homes, business and industrial units; and secure economic growth in order to create jobs and prosperity. In London Borough of Islington v Secretary of State for Communities and Local Government [2012] EWHC 1716 The Court concluded that the planning inspector had been correct in finding that the overall advantage of the proposed development to the local business and the regeneration of the area outweighed the policy restrictions in the development plan, when read as a whole.

Summary of policy considerations;

26. In view of the above considerations, a view remains that there is no clear proven need for student accommodation and the proposal would fail to satisfy the requirements of policy

CS8(11) in this respect. However, the site is in a sustainable location and would have regeneration benefits and therefore meet with these aspects of policy CS8 (11). There remains some potential for the building to be converted to an alternative use, though any application would need to be fully considered at this time.

27. Significant weight is given to the Governments aims for achieving economic growth and the advice contained within the NPPF on how the planning system can help to facilitate such. The proposed development clearly meets with several of these aims in that it will regenerate a previously developed site and provide a significant level of investment into the borough creating jobs and prosperity. It is considered that these benefits would outweigh any harm that may arise out of the development not meeting a clearly proven need for student accommodation.
28. Therefore on balance, the principle of a student accommodation development on the site is considered to be acceptable subject to the other material planning considerations set out below;

Victality and Viability of Stockton Town Centre;

29. The proposed development proposes a café/bar that would be open for public use. No details regarding its size and scale are provided. Such a use is defined as a 'town centre use' within the NPPF, which along with local planning guidance direct them toward the defined retail centres of the Borough to support the vitality and viability of these centres.
30. Given the separate nature of the café/bar, it is difficult to say that such a use would be entirely ancillary to the main purpose of the building. However, consideration also needs to be given to the sites existing use and that it is reasonable to assume that the majority of custom is likely to come from residents of the student accommodation. Adequate controls could be imposed through planning conditions to restrict both the use class (to A3/A4) and the floor space to ensure that any development is of an appropriate size/scale and to prevent permitted development changes to retail development, so as not to result in any significant impacts on the either Stockton or Thornaby Town centres.

Impact on the character of the area;

31. The existing building has continued to decline and decay since it became vacant and is visually unattractive. Although set back from main vantage points, such as Mandale Road it offers little to the street scene 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.
32. The indicative drawings indicate a design approach based on a Victorian railway warehouse, the design and scale of development remains similar to a previous scheme that was considered to be both of an appropriate scale and design treatment. It is felt that any design could be improved further by incorporating more contemporary fenestration detailing and a visual split within the block adjacent to the listed Town Hall to create the appearance of building separation. However, these recommendations would need to be considered as part of any future reserved matters application.
33. It is noted that there is a lack of amenity space for the proposed residents, it is therefore requested that should the application be supported, a s.106 agreement would be required for public realm improvements will be required to Railway Terrace To provide an element of public space whilst also enhancing the setting of both the proposed development and listed Town Hall.
34. The Council's landscape officer considers that there is a slight improvement to the proposed scheme as a result of an area of open space to the rear (south east) of the eastern block being

detailed. It is considered that there remains insufficient space for specimen trees to be planted and that these should be removed from the plans. A request is made that the parking located in the gap between the buildings be made into underground car parking allowing greater amounts of landscaping and open space, however, any final details regarding any landscaping of the site would need to be fully considered during the reserved matters stage. Equally many of the requested planning conditions are considered unnecessary as many of these aspects (hard and soft landscaping, means of enclosure and street furniture) could be dealt with as part of a reserved matters submission.

35. 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.

Setting of listed building;

36. The proposal has been considered in relation to the impact of the development on the setting of the adjacent listed Thornaby Town Hall. The NPPF states that new development should look to enhance or better reveal the setting of heritage assets and that proposals which do so, should be treated favourably. Saved policy EN28 of the adopted Local Plan also states that development that detracts from the setting of a listed building will not be permitted.
37. It is considered that much of the significance of the Town Hall comes from its landmark status particularly due to its impressive clock tower and uncompromising elevated views. The indicative proposals show the massing and bulk of the development increases in height away from the Town Hall and that the building line of the Town Hall on Railway Terrace is respected, both of which are welcomed. Further details regarding the scale and massing of the development have been provided following some concern by the Historic Buildings officer, following the receipt of this information it is considered that that scale and massing of the proposed development is appropriate and will not have an adverse impact on the setting of Thornaby Town Hall.

Impact on levels of amenity;

38. 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. 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.
39. Whilst 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 the imposing of planning conditions.
40. Some objectors have raised concerns in terms of the impact of the development on levels of daylight and privacy. The proposed site and development will lie approximately 85 metres from the nearest residential properties on Teesdale. Despite the height of the development is considered that this distance would ensure that there is an acceptable level of both amenity and privacy maintained for the existing residents.
41. With regards to the impact of the Bar on local residents, the Environmental Health Unit have considered that opening hours should be restricted in order to prevent noise and disturbance at

unsocial hours. Should the development be approved it be seem reasonable to restrict opening hours to 11 p.m. Hours of operation would also be controlled under licensing legislation, which is separate from planning.

42. 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;

43. The Head of Technical Services has considered the information supplied as part of this Outline planning application. 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. The submitted travel plan framework is also considered to be acceptable, although final details will be required as part of a full application.
44. It is accepted that the site is a sustainable location for student accommodation given its proximity to Durham University campuses, Stockton Town Centre and Thornaby train station. However the location in itself is not considered enough to prevent students bringing cars to the site therefore the provision of onsite car parking is essential. This application proposes undercroft parking (providing 38 spaces) and in conjunction with a Travel Plan, cycle storage and a management plan for the start and end of term, the provision of 38 spaces is acceptable in this instance.

Residual Issues;

45. Concerns in relation to the high costs of purpose built accommodation are noted, however, this is a matter of choice for each student and not a matter for consideration as part of this application.
46. 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

47. In view of the above considerations, a view remains that there is no clear proven need for student accommodation and the proposal would fail to satisfy the requirements of policy CS8(11) in this respect. However, the site is in a sustainable location and would have some regeneration benefits and therefore meet with these aspects of policy CS8 (11). There remains some potential for the building to be converted to an alternative use, though any application would need to be fully considered at this time. Significant weight is given to the Governments aims for achieving economic growth and the proposed development clearly meets with several of these aims in that it will regenerate a previously developed site and provide a significant level of investment into the borough creating jobs and prosperity. It is considered that these benefits would outweigh any harm that may arise out of the development not meeting a clearly proven need for student accommodation. It is considered that the overall advantage of the proposed development to the regeneration of the area outweighs the policy restrictions in the development plan, when read as a whole.
48. The proposed development is also considered to be visually acceptable and will not have a detrimental impact on the setting of Thornaby Town Hall. It is also considered that adequate controls can be placed on the development to secure satisfactory levels of residential amenity and there are no significant impacts on highway safety. It is recommended that the application

be approved subject to a Section 106 Agreement in accordance with the Heads of Terms set out within the report and subject to the planning conditions and informative set out above.

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 S F Walmsley, T Large & Tracey Stott

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
National Planning Policy Framework
Planning Application 08/2713/FUL & 09/0500/FUL
Appeal decisions APP/H0738/A/09/2102926 & APP/H0738/A/09/2117189