

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

14th March 2007

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

06/3752/OUT

Site North Of Blair Avenue, Ingleby Barwick, Stockton

Outline application for mixed use development comprising 50 no. place children's nursery, 75 no. bed old peoples home, 816 square metre Primary Care Trust building together with associated means of access and car parking.

Expiry Date: 19th March 2007

SUMMARY

The planning application seeks to develop for commercial purposes, an area of land 0.689 hectares in size located on the north side of Blair Avenue close to the Myton Way Centre, the main retail/commercial centre in Ingleby Barwick. It seeks outline approval for a 50 place nursery, 75 bed extra care home and a Primary Care Trust (PCT) facility. Most of the site already has outline planning approval for a nursery together with a Community centre. Reserved matter approval for that development is also being currently sought but dealt with as a separate planning application. As with previous undetermined proposals (described as an "Eco Park") for more extensive development and utilising the entire 3-hectare strip north of Blair Avenue, the proposal has caused a significant degree of public concern and opposition. The primary concerns are traffic and highway safety given current problems in Ingleby Barwick, the loss of what is seen as an open space area to development, the lack of need for such uses and other issues such as potential to give rise to anti-social behaviour problems etc.

On the basis that most of the site already has permission for development and in view of limited scale of development now proposed, the applicant's transport consultant in the Transport Assessment accompanying the application has concluded that the development is "traffic neutral" i.e. a development in which no significant numbers of additional traffic will be introduced onto the existing road network. The Head of Technical Services agrees with this assessment. Accordingly it is considered that the proposal will not increase predicted future traffic levels and therefore not exacerbate traffic congestion in the area. It is also not considered the development would give rise to any particular highway safety concerns and the position of the access is generally satisfactory though a detailed drawing of its precise position is still awaited.

The proposal does involve the loss of part of an area of potential open space, but the loss within the undeveloped strip of land north of Blair Avenue, which extends in total to

nearly 3 hectares, is relatively small (less 0.7 hectares of which more than two thirds already has permission for development).

Other issues such as the uses proposed are not necessary, the potential to encourage anti-social behaviour, that the site would be better used for educational purposes as additional secondary school provision, noise and pollution etc have all been considered but do not justify a refusal of permission.

RECOMMENDATION

It is recommended that subject to the receipt of a detailed and satisfactory drawing of the means of access, the application be approved subject to conditions covering the following matters:

- ***Development carried out in accordance with the approved plans***
- ***Approval of reserved matters in respect of, siting, design, external appearance and landscaping***
- ***Restriction of permission to specified uses***
- ***Land contamination survey and implementation of any necessary remediation***
- ***Tree and hedgerow protection***
- ***Materials***
- ***Means of enclosure***
- ***Hours of construction***
- ***Surface water drainage and discharge rates***
- ***Foul drainage***
- ***Motor vehicle and cycle parking to appropriate standard***
- ***And any other relevant matters***

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies as it is considered that the application site is a sustainable location in accord with Planning Policy Statement 1. The outline planning permission granted in 2004 established the principle that the site is, at least in part, appropriate for development. Additionally it is noted that the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. Furthermore, the proposal only seeks to develop a relatively small part of the area north of Blair and that the remainder of the land is unlikely to be developed given the present traffic concerns. The development is traffic neutral and has not raised any highway safety concerns and will not increase predicted future traffic levels and exacerbate traffic congestion in the area. Other issues such as the uses proposed are not necessary, the potential to encourage anti-social behaviour, that the site would be better used for educational purposes as additional secondary school provision, noise and pollution etc have all been considered but do not justify a refusal of permission and there are no other material considerations which indicate a decision should be otherwise.

***Stockton on Tees Local Plan policies GP 1, HO 8, EN11, TR9, TR15
Tees Valley Structure Plan policies ENV16, SUS2, T25.
Planning Policy Statement 1 and Guidance Notes No 1 and 13***

BACKGROUND

Site Description

1. The application relates to an area of land 0.689 hectares in size located on the north side of Blair Avenue and to the north west of the Myton Way Centre, the main retail/commercial centre in Ingleby Barwick. The site comprises of partially rough grassland together with an area of fairly recent planting, which has now become established. The land is in private ownership. The application is part of a larger area of privately owned land not specifically allocated for any purpose in the adopted local plan in 1997 but identified earlier in the revised Master Plan of 1991 as part of the "Local Open Space System".
2. Opposite to the south on the other side of Blair Avenue, is All Saints Secondary School, Myton Park Primary school and a Nursery. North of the site and separated by an existing hedge, is undeveloped land with an extant permission for housing development. To the east is a cycleway/footpath, which is part of the estates pedestrian/cycle network providing links from the residential villages to the Myton centre.

Planning History

3. Outline planning permission was granted in February 2004 for the development of 0.5 hectares of the current application site for a community centre and children's day nursery with associated car parking (03/2212/OUT). The permission reserved all matters of detail for future approval. The application, seeking approval for these details has now been submitted for approval and is to be considered by Members at this same Committee (07/0492/REM)
4. A further outline application (05/0870/P) but relating to a much larger area (2.937 hectares) comprising the whole of the unallocated strip of land north of Blair Avenue, was submitted in March 2005. It sought approval for a mixed-use development on the site comprising not only the nursery and community centre but other uses including retail, pub/restaurant, industrial starter units, health and fitness centre, offices as well as an area at the western end of the site dedicated to public open space purposes. The stated intention was that the site was to be developed as an "Eco Park" using sustainable materials and ecological friendly construction techniques. However, the application was withdrawn following concerns raised by the scale and type of development proposed as well as traffic issues. There was also a large amount of public objection to the proposal primarily on the grounds of traffic, loss of open space as well as opposition to the uses proposed.
5. A revised application in 2006 (06/0823/OUT), for the same area but which increased the amount of open space provision and deleted some of the more contentious industrial and commercial/retail uses has, at the request of the applicant, been held abeyance pending a decision on the current planning application. As with the earlier application there are serious concerns over the traffic implications of the development and the Head of Technical Services has objected to proposal. The applicant has indicated this application will be withdrawn if the new application is approved.

THE PROPOSAL

6. The current application seeks a much more modest development, building on the previous outline approval. The proposal retains the nursery use previously approved for the site (though reduced by half in terms of the number of places). The Community centre use is deleted, instead it proposes an “Extra Care Home” with 75 bed spaces together with a building for use by the Primary Care Trust with a gross floor space of 806 sq m. Apart from the means of access all other matters of detail are sought to be reserved for future approval. An indicative layout has been submitted with the application showing the 50 place nursery located to the back of the site with the 2 storey PCT building fronting onto the road and an “L” shaped 2 ½ storey extra care home building located along the eastern boundary of the site. The proposed access point is sited at the western end of the site in a position stated by the applicant that has previously been agreed by highways as being acceptable.
7. The application is supported by a design and access statement and a Transport Assessment.

THE CONSULTATIONS

8. Parish Council

“Ingleby Barwick Parish Council does not support this planning application. There is no requirement in Ingleby Barwick for either a children’s nursery or an old people’s home as there is already adequate provision within the development. This site should be used to provide facilities that are needed, such as additional secondary school provision.

It should also be considered that the previous successful application on this site included a Community Building to be gifted by this developer, which is no longer proposed.

This proposal will undoubtedly generate more traffic adding to the already congested roads around the main centre of Ingleby Barwick at peak times, which is a reason to refuse this application.

It is noted that access into the site is from Blair Avenue, which was the scene of a recent road traffic accident, justifiably elevating concerns on safety as the proposed development is adjacent to All Saints Secondary School and Myton Park Primary School. “

9. Head of Technical Services

“This proposed development accords with details submitted and is agreed as being traffic neutral.

An access drawing showing that the proposed access accords with SBC Design Guide and Specification has not been provided with the application. The applicant has been asked previously to provide access details and as the outline application is detailing means of access it is therefore necessary at this stage. This should be provided at 1:500 scale, indicating the extents of the access and the relevant visibility splays. The relationship with the schools on the opposite side of Blair Avenue and nearby pedestrian crossings and bus lay-bys needs to be demonstrated in greater detail.

The proposal does not indicate clear pedestrian routes within the site and its linkage to the external highway network. The design statement indicates that the Nursing Home will be

within a shared surface zone. However, this is not acceptable as vulnerable road users will be present. Also the servicing arrangements have not been demonstrated. These issues can be considered in greater detail as part of the full application.

Parking has been calculated and is in accordance with design standards as is therefore acceptable. No cycle spaces have been provided, although the Transport Assessment states that these can be agreed at full planning stage. There should be 2 number spaces provided per Doctor for the PCT clinic.

I have no knowledge of flooding to this site and the applicant is advised to make there own enquiries.”

10. Environmental Health Unit

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

Possible land contamination

C407 Environmental Risk Assessment Phase 1a+b

No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

Reason: To ensure the proper restoration of the site.

ENVIRONMENTAL RISK ASSESSMENT PHASE 2

If it is likely that contamination is present, no development shall commence until a Phase 2 site investigation scheme to involve risk estimation has been carried out. The developer must design and implement intrusive investigations to provide sufficient information on potential contamination.

Reason: To ensure the proper restoration of the site.

Construction Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site.

Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

I will recommend working hours on site to be restricted to 8.00 a.m. - 6.”

11. Landscape Officer

The site is located within an existing open space area. This area represents one of the few areas of open space within the estate and my preference is that it should be retained without any development. However, I understand that planning consent has been previously granted for a slightly smaller development within this plot.

The area of open space comprises of structure planting, which is now well established and was installed as part of the planning requirements for the estates infrastructure roads. The open space not only offers an important amenity value for the surrounding area but it also acts as a green wedge between villages 4 and 6. This planned separation of the villages is vital to maintain distinct village identities and the open space is identified within the draft Open Space Audit (Blair Avenue Green Corridor No. 664).

Whilst I am not in favour of any development within this belt of existing open space, the principle of development has been approved. This current application represents a slight increase in the usage of the site when compared with the previous application and as a result the following commitments are required from the developer:

- 1. An offsite contribution towards the maintenance of the planting within the adjacent existing public open space.*
- 2. An undertaking that this area of public open space remains as public open space in perpetuity.*

I would have no objection to the application as long as the above two items are confirmed and established.

12. The Environment Agency

The Environment Agency has no objection to the proposed development subject to the following condition and recommendations:

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Surface water drainage from this site should be regulated so as not to exacerbate flooding problems downstream within the catchment. The discharge should be regulated to the greenfield run-off from a 1 in 1 year storm and sufficient storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.

The Agency is keen to promote the use of Sustainable Drainage Systems (SuDS), and feel this would be particularly relevant to this type of development, with control of surface water being dealt with as close to source as possible, as well as offering benefit to water quality and amenity. Measures such as permeable surfacing and the use of soakaways or recycling for rainwater will reduce the need for limitation of flows.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.”

13. Cleveland Archaeologist Section

This site has already been the subject of an archaeological assessment. There were no significant finds of archaeological interest. I therefore have no objection to the proposal and no further comments to make.

14. Northern Gas Networks

No objections

15. NEDL

No objections raised

16. Northumbrian Water Limited

New discharges of foul and surface water must be on separate systems with surface prevented from entering public surface water or combined sewers.

17. No response has been received from Spatial Planning Manager, Police, Joint Public Transport Group, Campaign for the Protection of Rural England, Care for Your Area, Parks and Countryside Officer, and Tees Forest.

PUBLICITY

18. Neighbours were notified and the application was also advertised on site and in the local press. As result of this publicity some 40 letters and emails (including more than one representation from the same persons) have been received, the majority oppose the application but there have been 5 letters/emails in support.

19. Some of the objectors by email have not given an address, others are living at the following addresses:

- 3, 7, 10 Snowdon Grove'
- 10, 12, 15, 16 Rowen Close
- 7 Cambrian Court
- 2, 26, 55, 58, 115 Marchlyn Crescent
- 10 Rhobell View
- 5 Rothbury Close
- 10 Merioneth Close
- 20 Greenside
- 1 Barberry Close
- 20 Greenside
- 17 Weaver Close
- 53 Hollybush Avenue
- 22 Caldey Gardens
- Thorn Close
- 46 Simonised Grove

20. The grounds for objection can be summarised as follows:

Traffic and Highway Safety issues

- The development will lead to increased traffic on the road and will be a safety hazard and cause increased congestion.
- Roads in the area are not capable of accommodating the extra traffic and existing traffic problems will be exacerbated

- The development is opposite schools where children are being picked up and dropped off and a library and therefore the traffic from the development will be a danger to children and the general public
- The existing bus stop is poorly located and increase traffic can only exacerbate the problem
- The proposed access is too close to the roundabout and is placed in the worse possible position.
- The cumulative impact should the Tesco extension be approved should be taken into account.
- The accuracy of the Transport assessment accompanying the application is questioned. It is not traffic neutral and figures used are not accurate and fail also to take into account new substantial developments since the previous approval in 2003. Using realistic figures will show that the development is not traffic neutral.
- It is assumed the majority of residents from the residential home would be from outside Ingleby and therefore traffic from outside of the area would increase.
- Closure to through traffic of Lowfields Avenue has already exacerbated problems in the area.
- No more development should be allowed until the existing traffic problems are sorted out

Loss of open space

- The accuracy of the applicant's statement that it is "white land" in the local plan is questioned. It is an area of open space and is identified as such in the Council's Open Space Audit.
- Ingleby Barwick needs to retain its continually threatened remaining green spaces
- One of the last green spaces left on the estate and should be kept
- It is a beautiful green area
- Notwithstanding what is stated in the application there are trees on the site and young trees and established hedgerows will be destroyed

Need for the development

- Ingleby Barwick already has a nursery, old peoples homes and doctors surgery and query the need for more such uses
- No demonstrable benefits from the children's nursery (existing one underused) and PCT building
- There is no requirement for a PCT building and who will be using it – more information is needed
- Do health authorities know of the proposed PCT development and do we need one
- If it is not taken up by the NHS could be a white elephant and other uses would be sought such as offices.

Other comments

- Could lead to anti-social behaviour problems from misuse of the hidden car park or other criminal behaviour because of drugs kept at the PCT building
- Development will cause noise and pollution
- It will reduce property values

- Insufficient time given for public consultation
- The care home at 2 ½ storeys will be blot on the landscape
- The land should be used for an expansion of local schools
- The Community centre proposal is lost
- Developers are only interested in making money not concerned about the interests of local residents
- This is a watered down version of previous unacceptable proposals
- There might be future wind turbines on the site
- Concerned as to what will happen to rest of land – noted the submitted plan has covered over a notation that it is future development land.
- Residents views should come first

21. The five supporters include residents of Ingleby Barwick at 35 Chalcombe Crescent and 4 Ramsey Gardens as well as residents at Pennyman Green Maltby, Manor Drive Hilton, and 15 Chapelgarth Stainton These residents views are:

- It is privately owned land and should be developed
- Ingleby Barwick is in need of further facilities, good childcare and nursing home places area at a premium.
- Another nursery will allow more choice
- Existing facilities will not cope with planned increases in houses
- Developer has a right to maximise development potential of its land
- Will create jobs
- Not an attractive area of land
- It will not cause further traffic congestion
- The site already has planning approval

22. Persimmon Homes were also notified as the owner of the land to the north. Its Land Manager has drawn attention to comments made on the previous larger scheme in that whilst Persimmon Homes will support the principle of new development to support a growing community, it is concerned that this site as always formed open space in past Master Plans. Also that the development of this site will set a precedent for development on the rest of the site which, potentially, could damage the amenity of the neighbouring community and the area in general.

23. On the specific proposal, it is concerned that development should recognised the housing permission on the adjoining land in terms of scale, massing and distances to avoid loss of privacy and overlooking. In terms of design, landscaping, rather buildings should dominate. Regard should have to avoiding potentially noise generating equipment, services or activities on the northern part of the site.

PLANNING POLICY CONSIDERATIONS

National Planning Policy

24. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

25. Relevant to this application are:

PPS 1 “Delivering Sustainable Development”

PPG 13 "Transport" (promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas)

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan 2004 and the Stockton Borough Local Plan 1997

Tees Valley Structure Plan

27. The Tees Valley Structure Plan policies that particularly need to be considered include:

- ENV16 (protection of trees and hedgerows)
- SUS2 (Sustainable Development Policy) states the Tees Valley authorities should give regard to several factors through their local plans, development control decisions and partnership activities, including: give preference to brown field sites, and prevent the unnecessary use of Greenfield sites; promote the re-use of vacant land and buildings; encourage development in locations which minimise the need for travel and can be well served by public transport; maintain and enhance the vitality and viability of town and district centres.
- T25 (Transport Requirements for New Developments) promotes the location of new development to give priority to walking, cycling and public transport access.

Stockton Borough Local Plan

28. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -

- i. The external appearance of the development and its relationship with the surrounding area.
- ii. The effect on the amenities of the occupiers of nearby properties.
- iii. The provision of satisfactory access and parking arrangements.
- iv. The contribution of existing trees and landscape features.
- v. The need for a high standard of landscaping.
- vi. The desire to reduce opportunities for crime.
- vii. The intention to make development as accessible as possible to everyone.
- viii. The quality, character and sensitivity of existing landscapes and buildings.
- ix. The effect upon wildlife habitats.
- x. The effect upon public rights of way.

29. Policy HO8 states:

"Proposals for the development of Class C2 Uses (Residential Institutions) will normally be permitted provided that:

- (i.) The property is located within a mainly residential area within easy reach of public transport, shopping and other community facilities; and

(ii.) the design of the development compliments its surroundings and can provide an attractive outlook with secure and sheltered sitting areas; and
(iii.) the development will have no adverse effect upon neighbouring properties; and
(iv.) adequate access and space for parking and servicing can be accommodated within the site without causing undue disturbance.”

30. Policy EN11 states:

“The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.”

31. Policy TR9 states:

“New developments for housing, employment, shopping or community facilities should be located and designed to enable the provision and convenient use of public transport services.”

32. Policy TR15 states

“The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.”

MATERIAL PLANNING CONSIDERATIONS

33. In light of the consultation responses, concerns raised by residents, planning policy and the planning history of the site, a number of planning issues are considered material to the consideration of this application.

Planning Policy

34. The outline planning permission granted in 2004 has established the principle that the site, at least in part is appropriate for development including one of the uses now proposed – the children’s nursery. Nevertheless, given that the present proposal seeks to extend the scale of development, albeit by a relatively small amount and includes some different uses, regard needs to be given to current planning policy in respect of the additional uses as well as the principle of extending the area.

35. In respect of the additional uses, the proposal includes an extra care nursing home, which is a C2 use in the Use Classes Order. Policy HO8 states such uses (Residential Institutions) will be permitted in a mainly residential area within easy reach of public transport, shopping and other community facilities. Additionally the design of the development should provide an attractive outlook with secure and sheltered sitting areas. It should also have no adverse impact on neighbours. The

last criterion seeks to ensure adequate and car parking can be provided without causing undue disturbance. The location satisfies the first criterion in terms of its location relative to transport links and shopping/community facilities given its position close to the Myton Centre. It is an outline application with all matters of detail (with the exception of the means of access) reserved for approval, and in that context issues regarding secured and sheltered siting areas can be resolved at reserved matter stage once the detailed design of the site submitted. Equally at that stage concerns raised by residents and Persimmon Homes over appearance and impact within the street scene and on future neighbouring uses can be fully assessed and any issues resolved. An indicative plan with the application submitted as part of the design and access statement indicates a one, two and 2-½-storey development which would be appropriate to the area. Full details of the access are awaited though a plan showing such details has been submitted in respect of the related reserved matter application. This demonstrates a satisfactory access arrangement meeting the concerns of the Head of Technical Services. Accordingly, it is considered proposed Nursing Home use satisfies all the requirements of policy HO8.

36. Little information has been provided as to the exact nature of the PCT building. The applicant has stated discussions have been held over the last few months with relevant departments in the PCT and other interested parties in the health care profession who wish to have a presence in the area. It is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery. Nevertheless, with the growing population additional health related facilities may well be required and the site is well positioned in terms of links to local centre as well as public transport for it to attract such uses. Noting the lack of any locational policies with regard to the siting of such facilities it is considered that the site is a sustainable location and in this accords with Planning Policy Statement 1.
37. In respect of land use allocation, the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. It is recognised that the Ingleby Barwick Master Plan (Revised 1991) and which therefore pre-dated the local plan, indicated the areas between residential areas, including this site as “Local Open Space System” and that the draft Open Space Audit identifies the area as part of the Blair Avenue Green Corridor. It should be understood, however, that neither of these documents provide statutory protection for the area. The more recent document, the open space audit is only a research study intended to inform the preparation of a Supplementary Planning Document on open space provision to be prepared as part of the Local Development Framework process. Additionally, only a relatively small part of the area is proposed for development and whilst the applicant and the land owners may well have aspirations for further development on the land, given the traffic concerns (see below) this is unlikely to be permitted. As such the rest of the land will remain, at least for the foreseeable future, undeveloped and act as an open land buffer between development with potentially additional tree planting recognising policy EN11 wherein tree planting is encouraged as part of the Community Forest initiative. The open space issue is also further discussed below.
38. In accordance also with policy EN11 further tree planting on the application site can be secured as part of the landscaping of site, which will be a condition of any planning approval.

Traffic, access and highway safety

39. One of the major concerns of local residents, consistently raised in respect of any development proposal on this site, is the potential adverse traffic impact exacerbating existing congestion problems in Ingleby Barwick and reducing highway safety through increased traffic generated by the development. To answer these concerns the applicant, in this application has significantly reduced the scale of development, dropping proposals such as the industrial starter units, office uses, pub/restaurant, health centre etc, concentrating instead on a development which is "traffic neutral" i.e. a development in which no significant numbers of additional traffic will be introduced onto the existing road network taking into account the permission that already exists for development on the site. Part of changes includes reducing the previously approved 100 place nursery to a 50 place nursery and deleting the community centre proposal, thereby in effect creating spare capacity for the other uses now proposed (PCT building and Care Home). The application is supported by a Transport Assessment prepared by consultants on behalf of the applicant and it calculates that the impact of the traffic likely to be generated by the proposed development is similar to the calculated traffic generations for the previously granted development. Whilst some residents have disputed the findings of this assessment arguing incorrect figures have been used, the Head of Technical Services, following detailed discussions with the applicant's consultant, has confirmed that the development is traffic neutral. Accordingly it is considered that the proposal will not increase predicted future traffic levels and therefore not exacerbate traffic congestion in the area.
40. The residents also argue that there has been a number of a traffic accidents in the area and the further traffic generated by the new development will add to the danger particularly as the site is opposite schools where children are picked up and dropped off. The consultant has examined road accident data for the area and concluded there are unlikely to be any safety issues associated with the development. Again the Head of Technical Services has not raises any concerns over highway safety.
41. Another aspect of the highway safety issue are claims that the proposed access is in a dangerous position including that it is too close to the roundabout. The point of access is as indicated when outline approval was granted for the previous permission. Whilst the Head of Technical Services has requested a detailed drawing of the access and the applicant is seeking detailed approval in this application for the means of access, that plan has yet to be received. However, a similar request for a drawing for the reserved matter application has been responded too and a satisfactory plan provided which is acceptable. The access is in the same position and accordingly it is anticipated that a similar plan will be provided which should demonstrate that the design and position of the access is satisfactory from the highway standpoint. An update on this aspect will be provided Members at committee.
42. Other highway safety concerns raised by residents such as the position of the existing bus stop are noted but are not considered to change the view that the development is not detrimental to highway safety.

Loss of Open Space

43. As well as the traffic issue, local residents are also concerned that the development would lead to a loss of a significant area of open space within Ingleby Barwick, which has always intended to be retained for such purposes. In addition concerns are raised over the loss of trees and on the site as well a potential impact on local wildlife.
44. The development proposes only utilising a relatively small part of the site (approximately 0.7 hectares) most of which is already subject to approval for development. The rest of the open area (2.2 hectares) is unaffected by the proposal. Whilst the land has some new planting which appears well established, it is only partly affected by the current proposals and rest of the site is largely over grown and unattractive. Retention of boundary hedgerows and trees can be protected though planning conditions. Additional landscaping can be secured planning condition.
45. The comments of the Landscape Architect are noted but it has to be recognised that the land including the adjoining land outside of the application boundary, is not public open space (nor defined as such in the local plan as previously discussed). Instead it is in private ownership and currently not available for public use. Whilst it may be desirable that rest of the land outside of the development site is retained for public open space purposes as part of the estates over landscape framework and taken into public ownership/control as suggested by Landscape architect, this application does not provide the mechanism to do so. The applicant does not own that section of land and whilst he may have an option to purchase it would be subject to planning approval being granted for the wider development and given the traffic concerns arising from that development it is unlikely such permission would be granted. The likelihood is that for foreseeable future, the remainder of the land would be retained in its present open condition.
46. The proposal does involve the loss of part of an area of potential open space, but the loss within the undeveloped strip of land north of Blair Avenue, which extends in total to nearly 3 hectares, is relatively small (less 0.7 hectares of which more than two thirds already has permission for development). In the circumstances it is not considered that a refusal on the basis of the loss of open space can be sustained.

Need for the development

47. A number of objectors have claimed that the uses proposed in the development are not needed within the Ingleby Barwick whilst others have stated that the growing community needs increased facilities and increased choice. The provision of the uses proposed is largely a commercial decision and are not of the type that are required to demonstrate need as part of the planning process. Nevertheless, it is recognised that there is continuing demand for private nursery provision and extra care homes. Also, as stated earlier, whilst it is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery, with the growing population additional health related facilities may well be required and the site is well positioned in terms of links to local centre as well as public transport for it to attract such uses. Furthermore the PCT facility, in the applicant's opinion should be able to provide many "outreach" health services, which would be very beneficial to the local community. It has also been claimed that such a building would

be a “white elephant” and if not used for medical related purposes would be converted to offices. Such a change of use would require planning permission so the Council would retain control over its future use. Furthermore it is unlikely that such a building would be provided without any end user being first signed up to occupy it.

48. In summary the allegations that the uses proposed are not necessary are largely commercial considerations and are not material in this case to the planning decision.

Residual matters

49. A number of other issues have been raised that have not already been discussed and require to be addressed.

50. Firstly concerns have been raised that the development could potentially give rise to increase in anti-social behaviour particularly from youths congregating in the car park, which is largely hidden, from view from out side of the site. Also that the PCT building might house drugs which could attract criminal interest. The Police have been consulted on the application but have not responded. However, it should be recognised that this is an outline application with matters of detail in terms of the layout, design, landscaping etc reserved for future approval. Whilst there is a layout with the submission it is indicative only, the purpose of which is to demonstrate that the site can satisfactorily accommodate the uses proposed. Matters such as secured by design and other security issues will be addressed at that time.

51. Another concern raised by the Parish Council and others is that site could be better used for other purposes including for educational purposes as additional secondary school provision. Given the smallness of the site, that could only be considered in conjunction with the rest of the 3-hectare land north of Blair Area (which is not in the applicant’s ownership) and that would prevent the land ever becoming available for general public open space use.

52. The Parish Council also notes that the previous Community centre proposal has been lost from this development proposal. The applicant has indicated that it not possible for the local community to carry out the Community centre development on its own and it is not commercially viable without substantial further commercial development being permitted. However, it still forms part of the reserved matter planning application (07/0492/REM) which represents the applicant’s fall back position should this application fail, though it should be recognised that its viability remains in doubt and no guarantee can be given that even in the event of detailed approval being granted that it will be implemented.

53. Noise and pollution arising from the development is one further issue raised. Pollution from traffic fumes may be a concern if significant traffic movements were expected but as set above, the development is “traffic neutral” in terms of generation. Noise can be controlled by planning conditions in respect of hours of construction. Noise generated by the proposed uses, if advised by Environmental Health as likely to be a concern can also be similarly controlled at the reserved matter stage.

54. Complaints have also been received that insufficient time has been given for public consultation of the application, which was submitted just before the Christmas holiday period. In fact because it was submitted at that time an additional week was given for the public to respond. The public notices (site notice and advert) further

extended the consultation period and as is normal practice of the Council, letters/emails of representation are accepted up to the day the planning decision is made.

55. Other matters such as impact on property values and the development is only profit motivated are noted but are not material to the planning decision.

CONCLUSIONS

56. In conclusion it is considered the application site is a sustainable location in accord with Planning Policy Statement 1. The outline planning permission granted in 2004 has also established the principle that the site is, at least in part, appropriate for development. Additionally it is noted that the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. Furthermore, the proposal only seeks to develop a relatively small part of the area north of Blair and that the remainder of the land is unlikely to be developed given the present traffic concerns. As such the rest of the land will remain, at least for the foreseeable future and until traffic concerns are resolved, undeveloped and act as an open land buffer between development. It is therefore not considered that a refusal on the basis of the loss of open space can be sustained.
57. With regard to the traffic and highway concerns it is noted that the Head of Technical Services accepts that development is traffic neutral and has not raised any highway safety concerns. Accordingly it is considered the proposal will not increase predicted future traffic levels and exacerbate traffic congestion in the area. The access position appears satisfactory though confirmation through the submission of a detailed plan is awaited.
58. Allegations that the uses proposed are not necessary are largely commercial considerations and are not material in this case to the planning decision.
59. Other issues such as the potential to encourage anti-social behaviour, that the site would be better used for educational purposes as additional secondary school provision, noise and pollution etc have all been considered but do not justify a refusal of permission.
60. The demand from residents that their views should come first is noted and they have been fully considered. Their concerns are understandable and largely legitimate but as with all planning applications the decision has to be made on its land use planning merits informed not only by the concerns of local residents but also statutory bodies, established planning policy as well the principle set by the existing planning permission. It has to be recognised that the site is in a sustainable location in relation to the existing Myton local centre, which provides a variety of community facilities. This development will form part of the hub of development at the heart of Ingleby Barwick that will be beneficial to the wider community.
61. Accordingly, on balance it is considered approval can be recommended subject to appropriate planning conditions to secure necessary controls over the development.

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

Financial Implications:

None

Environmental Implications:

See report

Human Rights Implications

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

Community Safety Implications

None

Background Papers:

Application files:

Ward and Ward Councillors:

Ward	Ingleby Barwick West
Ward Councillor	Councillor K Dixon
Ward	Ingleby Barwick West
Ward Councillor	Councillor L Narroway
Ward	Ingleby Barwick West
Ward Councillor	Councillor R Patterson