

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

14th March 2007

REPORT OF THE CORPORATE
DIRECTOR, DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

07/0492/REM

Site North of Blair Avenue, Ingleby Barwick

**Reserved matters application for the erection of a children's day nursery,
community centre (D2 use class), associated car parking and access road**

Expiry Date: 16th March 2007

SUMMARY

The planning application seeks reserved matter approval for the erection of a 100-place nursery and a community centre. The application site is part of an area the subject of controversial development proposals. However, this application relates to previously approved development and seeks only approval of the details of the buildings in terms of siting, layout, design, external appearance and landscaping. The landscaping details are insufficient but a condition on the outline approval which has not been discharged retains control over that aspect of the development. The landscape architects concerns over landscaping, including new tree planting and protection of existing trees and hedgerows will therefore be addressed in the discharge of those conditions. His further concern over moving the building are noted but not considered reasonable given the enhanced boundary treatment can be secured without this.

The concerns of residents are noted but relate primarily to the principal of the development and are not therefore material this application.

The submitted scheme is generally satisfactory and approval recommended.

RECOMMENDATION

It is recommended that the application be approved subject to conditions covering the following matters:

- ***Development carried out in accordance with the approved plans***
- ***Hours of construction***
- ***Approval does not discharge the rest of conditions attached to the outline approval including materials, landscaping and planting details and tree/hedgerow protection***
- ***and any other relevant matters***

The submitted details in respect of the siting, design and external appearance are satisfactory. Landscaping details are deficient but control over that aspect is a matter for the discharge of conditions attached to the outline approval.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

***Stockton on Tees Local Plan policies GP 1, EN11
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 0.505 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 that 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, are 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 the 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. This application (07/0492/REM) seeks approval for these details.
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 technique. However, the application was withdrawn following concerns raised by the scale 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 application is currently held in abeyance pending the decision of a further application (06/3752/OUT) that is also to be considered at this Committee meeting.
6. The planning application 06/3752/OUT referred to above seeks to develop a slightly larger area of land the subject of this application (0.689 hectares). It also proposes the erection of a children's nursery but of half the size (50 places) together with a 75 bed extra care home and a Primary Care Trust (PCT) facility.

THE PROPOSAL

7. As described this application seeks reserved matter approval for the proposals approved in outline in 2004 (application 03/2212/OUT). The submission provides details of the approved 100 place children's nursery which is to be located in the north west section of the site. It is a single storey building of traditional form having a tiled pitched roof (grey in colour) with louvered roof vent and coloured facing blockwork for the walls. The materials are intended to complement those used in the Myton centre.
8. Details are also provided of the Community centre, which is located towards the front of the site and has been orientated with its rear to Blair Avenue so that it is accessed by visitors from the internal car park. It has a two storey element because of the need for a double height multi function room. The single storey element provides additional rooms, toilets and kitchen. Both elements have flat roofs. Materials are not specified except that they "are in keeping with the day Nursery and adjoining Neighbourhood Centre". Approval of details of materials was a condition of the outline approval (No 6), which has yet to be discharged.
9. Car parking is shown at 48 spaces in total with 23 dedicated to the nursery and 25 for the Community centre. The parking is located between and to the side of the two uses. Access is provided from Blair Avenue at the south west corner of the as indicated at the outline stage. A detailed plan of the means of access has recently been submitted as an additional plan. It should also be noted that application site was extended in size from 0.4 hectares to 05 hectares during the outline application determination process in order that the access could be located in this area and have the required sight lines.
10. Because of the size of the site in relation to the buildings proposed a section of the application land along its eastern will remain undeveloped.
11. Site boundary treatment is shown to be 1.2m high close boarded fence to the front set behind the sight lines and behind which will be new tree planting. The hedgerow boundaries to the north and east are to be retained. On the western boundary the means of enclosure will be a 1.8m high close-boarded fencing adjacent to the nursery with 1.2m post and rail fence forming the rest of the boundary.

12. Details of landscaping have not been provided but are a condition of the outline approval and like materials remains to be discharged.

THE CONSULTATIONS

13. Parish Council: Views are awaited
14. Head of Technical Services: Initially requested an updated drawing showing the proposed access in relation to the nearby bus lay by and the entrance to All Saint School in order to fully assess the application. Following its receipt no objections to the development have been raised.
15. Landscape Officer:

"Whilst the principle of the development has been established, I have the following concerns in respect of the layout:

1. The nursery appears to be located very close to the east and north boundary of the site. Due to the location of the site within an area of existing open space, the boundary treatment of this development should be carefully considered, incorporating new extensive boundary planting to all boundaries and enhancement of the existing retain hedges. In order to achieve this, I suggest that the building is relocated further into the site where there appears to be more than sufficient space.

2. There is a mix of boundary fencing specifications shown on the proposed site plan drawing (1.2m post and rail, 1.2m close boarded and 1.8m close boarded). As the site is located within the open space, we would require any fencing to the boundaries to be less visually dominant. A 1.2m high post and rail fence with new hedge planting and tree planting would be preferred. Hedge planting should consist of species present in the existing retained hedges.

3. Extensive tree planting should be carried out both within the site and along the periphery of the site in order to ameliorate the development within the surroundings.

All hedges within the site and adjacent to the site should be fully protected in accordance with BS 5837: 2005 Trees in relation to Construction and the applicant should note that:

No changes in levels within close proximity to the hedges will be allowed.

Where roots are encountered only hand digging will be allowed.

Compaction to the root spread of the hedges must be avoided and protective fencing should be erected at least 2.0m from the outer spread of the hedge.

Excavations for any new service runs into the site must be located outside of the hedge protection zones. Services must be routed away from all retained hedges to prevent severance of roots during the excavation of trenches. Where this is not possible approved trenching methods shall be in accordance with NJUG10. Routes to be provided for our consideration prior to excavation.

Details of the hedge protection are required, along with hard and soft landscaping proposals. Full details should be provided to the following minimum standard:

- A. A detailed landscape plan for hard construction indicating materials and construction methods.*
- B. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.*
- C. Boundary treatment details.*

- D. *Protection measures for retained hedges to ensure that no damage occurs during the construction periods. Full details of the protection measures should be submitted for approval and should be erected, to the satisfaction of the council, prior to any works commencing on site.*

I object to the development in its present form on the grounds of the comments above, however if the nursery building was relocated as described, I would withdraw my objection.”

16. 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.

Entertainment noise disturbance

No live entertainment or use of amplification equipment shall be permitted unless evidence is provided to the reasonable satisfaction of the Local Planning Authority, to demonstrate that the rooms to be used are adequately attenuated to prevent nuisance to local residents and the written confirmation of the Local Planning Authority has first been obtained.

Noise disturbance from access and egress to the premises

The opening hours should be limited to ensure that adjacent residential premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

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. - 6.00 p.m on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday working.

- **Food Safety/ Hygiene**

The W.C's open directly into rooms where food will be served. W.C's must not open directly into a room where food is handled and prepared. Arrangements must be made not to use the rooms for food handling or to install a lobby between the W.C's and the food rooms.

There are no wash hand basins provided for food handlers working in each age group area. Provide wash hand basins with adequate supplies of hot and cold, or appropriately mixed, running water, soap and hygienic means of drying hands. Properly connect the wash hand basins to the drainage system and ensure that everyone understands that it is for hand washing only. "

17. Northern Gas Networks: No objections

18. NEDL: No objections

19. Northumbrian Water Limited: No response received

PUBLICITY

20. Neighbours were notified and the application was also advertised on site and in the local press. As result of this publicity four emails have received raising concerns about the proposal.

21. Paul R Boyer of 12 Rowen Close Ingleby Barwick raises concerns about increased traffic and congestion and strongly objects to the development. He considers the proposal for a smaller development in effect uses this development as the thin end of the "green wedge" with the intention to extend their plans later for the proposed larger development to which there is much resistance.

22. D Holmes is concerned that there is a problem with youths hanging around the secondary school each evening and that the whole area should be fenced off. Building on Blair Avenue will only make things worse.

23. Mark Lee of 16 Rowen Close states this is an improvement over previous proposals but wants more landscaping. He still has concerns over traffic and drainage of water from the site.

24. L A Fletcher is concerned about the lack of publicity over the application and that residents have not been notified. Her particular concerns over this application are:

- Pollution from car exhaust fumes affecting children;
- Traffic congestion which is much worse than it used to be and will be added to once as approved new development nearby has been completed; and
- Loss of open space and trees and the impact on CO2 emissions

PLANNING POLICY CONSIDERATIONS

National Planning Policy

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

26. 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)

27. 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

28. 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.

Stockton Borough Local Plan

29. 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.

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.”

MATERIAL PLANNING CONSIDERATIONS

31. Notwithstanding the objections received from local residents and having regard to the consultation responses, current planning policy and the planning history of the site, the number of planning issues considered material to the consideration of this application are limited. Issues such as the loss of open space and traffic impact were all considered at the outline stage. The continued concerns raised by local residents over these issues, (and anti-social behaviour concerns) whilst understandable are not material to this reserved matter application. The only issue to consider is whether the proposed siting and layout, means of access, external appearance and design of the approved buildings and landscaping as set out in the planning submission are acceptable and appropriate.
32. In terms of the design of the buildings, this is considered satisfactory and whilst fairly traditional are appropriate for their location. Facing materials are not fully detailed but that aspect remains a condition of the outline approval and therefore the local planning authority retains control over these details.
33. Means of access has been detailed in an additional plan submitted after the initial application was lodged. This shows full details including sight lines, width, and kerb radii on an updated base which shows the existing bus lay-by and pedestrian links to the site. These details are satisfactory to the Head of Technical Services.
34. Siting and layout of the site are a concern of the Landscape Architect who wishes the nursery building to be moved further away from the northern and western boundaries to allow for more extensive boundary planting. Whilst the argument is noted, it has to be recognised that the applicant's site is larger than needed to accommodate the two uses but this was dictated by the need to position the access in the position proposed on the western boundary, a requirement established at the outline stage. The building could be located more centrally within the site but to do so would be wasteful of land and prevent the possibility at a future date of the undeveloped area to the east, which may well be useful for community based open land use facilities. Additionally, the applicant does own a small strip of land to the west, which could be used for the enhanced boundary treatment.
35. The Landscape Architect has also requested extensive tree planting within the site (as has a local resident) and whilst some tree planting is proposed to the front of the site behind a 1.2m close-boarded fence, it is not well detailed. This application does seek reserved matter approval for landscaping but insufficient information has been provided on this aspect to allow it to be approved. However, a further condition of the outline approval requires details of landscaping to be agreed as well as tree and hedgerow protection measures. Those controls remain in force and therefore notwithstanding this application the local planning authority retains control over the landscaping of the site. Any approval of this application would need to include a condition that this approval does not discharge that requirement together with an informative for the applicant that more details of landscaping and tree planting are

required including additional boundary planting within the land in the applicant's ownership.

36. With regard to concerns over the means of enclosure, it is accepted that the treatment needs softening. This matter can be better addressed as part of the consideration of an overall and detailed landscaping scheme.
37. The concerns of Environmental Health regarding opening hours and use of amplified music in respect of the Community centre are noted but as this is only an application for approval of reserved matters such conditions cannot be imposed. Regrettably no such conditions were imposed at the outline stage and as such the Council, as the local planning authority, has no powers to control these matters. The further concern about food hygiene is not material to the planning decision.
38. The residual concern by one resident over drainage is controlled over the requirement as part of the conditions of the outline approval to provide full drainage details.

CONCLUSIONS

39. Development of this site has been and still is controversial with a number of schemes being proposed but extending over a larger of the land than the subject of this current application. In particular an application is to be considered by Members at this meeting for other uses on an extended site, retaining the nursery use but deleting the Community centre facility. The present development is in effect the applicants fall back position should the other applications fail.
40. Approval has already been granted to this development and what is now sought is approval of the details in terms of siting, layout design and landscaping. These details are satisfactory except for landscaping. This is clearly deficient but control over that aspect is, as set out above, a matter for the discharge of conditions attached to the outline approval over which the Council retains control. Control is also retained over facing materials and drainage.
41. On balance it is considered approval can be recommended to the details now submitted 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: 03/ and 07/0492/REM

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