

**DELEGATED**

**AGENDA NO.**

**REPORT TO PLANNING COMMITTEE**

**6<sup>th</sup> June 2007**

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

**07/1136/REM**

**Land off Blair Avenue, Ingleby Barwick**

**Revised 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: 11<sup>th</sup> June 2007**

## **SUMMARY**

The planning application seeks reserved matter approval for the erection of a 100-place nursery and a community centre. It is a resubmission of an early application refused at the Planning Committee on 14th March 2007. The applicants have appealed against that decision. The new application revises the details to provide for a greater separation distance between the proposed buildings and the existing boundaries. The boundary treatment has also been revised. 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, means of access, layout, design, external appearance and landscaping. The submitted 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 previous concerns over landscaping have been largely met and he no longer objects to the development. Equally there are no fundamental concerns from the highway standpoint.

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

The submitted revised scheme is generally satisfactory and approval is therefore 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***
- ***Refuse collection arrangements***
- ***Cycle parking***

- **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 (07/1136/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.
6. A further application (06/3752/OUT), which sought to develop a slightly larger area of land the subject of this application (0.689 hectares) was refused at committee on 14<sup>th</sup> March 2007. It also propose 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.
7. At the same committee a very similar reserved matter application (07/0492/REM) to the present revised proposal was also refused for the following reason:  
  
***“In the opinion of the Local Planning Authority the location of the childrens nursery building would not allow sufficient area around it to enable a satisfactory landscaping boundary treatment and would therefore be detrimental to the visual amenities of the area contrary to policy GP1 of the adopted Stockton on Tees Local Plan”***
8. The applicant has appealed against that decision and the matter is to be dealt with at hearing the date of which has yet to be arranged.

## **THE PROPOSAL**

9. 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.
10. 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.

11. 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.
12. 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.
13. To overcome Members concerns raised with previous application the location of the nursery building has been adjusted to provide greater separation from the existing boundaries. Site boundary treatment is has also changed to be 1.2m high post and rail fencing with hedging and tree planting behind the sight lines to the front. The hedgerow boundaries to the north and east are to be retained but supplemented with new planting. On the western boundary the means of enclosure will again be a 1.2m post and rail fence with new hedging and planting behind.
14. Full details of landscaping have not been provided but are a condition of the outline approval and like materials, remains to be discharged.

## **THE CONSULTATIONS**

### 15. Town Council:

*“The Town Council would reiterate their comments submitted when outline planning permission was granted for this proposal. Ingleby Barwick already has a community centre which is looking to be extended. The building would be better used as a youth centre which is desperately required. Who is going to pay for the running costs of the centre? The concrete facing blockwork is not in keeping with the buildings in the surrounding area. The centre is shown to have a flat roof which will be extremely expensive to maintain.*

*Concerns are again raised with regard to the amount of traffic which will be generated from the proposal, at the end of Myton Way. This will be added to when housing on each side of Myton Way is completed. This site would be best used to accommodate additional secondary school provision, either a building or playing fields “*

### 16. Head of Technical Services:

#### **“General Summary**

*There are no highway objections subject to confirmation/clarification of points 2&3 detailed below.*

*The summary of the landscape comments is as follows with details noted in the full landscape comments section:*

1. *The trees on the west boundary near the building should be located elsewhere on the site and climbing plants are recommended on the west elevation.*
2. *All existing hedges must be protected during construction to BS 5837: 2005 Trees in relation to Construction and should be given appropriate management work to enhance their character and preserve their long term viability. Hedge protection details are required.*
3. *Landscape details are required.*

*We I have no landscape objection to the application, however the above information is required.*

## **Highways Comments**

- 1) *The revised sight lines are acceptable.*
  - 2) *The site layout does not indicate how refuse collection and servicing of the buildings will be carried out. The proposed car parking spaces are located adjacent to building edges and it is not obvious as to where bin stores are located and how refuse collection will be achieved.*
  - 3) *Cycle parking for the community centre and nursery should be provided in line with SBC parking standards.*
- Subject to confirmation/clarification of points 2&3 above, I have no adverse comments regarding this application.*

## 17. 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. "*

18. Northern Gas Networks: No objections received

19. NEDL: No objections

20. Northumbrian Water Limited: No response received

21. Ward Councillor K Dixon:

*I wish to object to this latest planning application that relates to revised reserve matters application for the erection of a children's day nursery (should this be D1 use ?) and the erection of community centre (D2 use class).*

*I have received numerous objections by residents to this development, for the following reasons:-*

*1) When planning was on the reserved matters was refused it was because of concerns that the as to the placement of the buildings in relation to the its location on the perimeter of the land, the new plans now show the whole layout on the left edge, this is totally against the wishes of the planning committee !!*

*2) Again it is requested that the Stockton traffic model be visited as the traffic impact that is quoted in this report still relates to figures from 2005, the traffic situation on this road and junction have been shown by the traffic model to be extreme and since 2005, Tesco have taken over the main store, Roundhill Village has been completed, The Rings and Broomhill Villages are well under way creating unacceptable traffic congestion at the location of the proposed building, because of the location of the entrance/exit and traffic flow in and out this will add more to the traffic chaos*

*To quote from the Tesco traffic report from one of your officers( January 2007 ) "DUE TO THE EXISTING TRAFFIC CONGESTION ON THE ESTATE ANY INCREASE IN TRAFFIC SHOULD BE REGARDED AS MATERIAL!. This is another reason given by the planning department as to why the up to date traffic model should be used (as it was unavailable when the first outline permission was granted) .*

*3) The Community Centre would not now appear to be a planning gain, this has still not been explained, the proposal states a Community Centre who will run and be responsible for the building ?*

*4) Because of the location of the buildings it leaves a section of spare land why is this, is another structure planned ?*

## **PUBLICITY**

22. Neighbours were notified and the application was also advertised on site and in the local press. As result of this publicity four emails and one letter have received raising concerns about the proposal.
23. Paul R Boyer of 12 Rowen Close Ingleby Barwick, again 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.
24. Mark Lee of 16 Rowen Close objects on grounds that it is one of the few remaining pieces of green land in the area; the development would be a traffic hazard to pupils in schools opposite and it would be better placed elsewhere.
25. William and Sandra MacGregor of 10 Rowen Close object for the fourth time on the basis that it is one of the few remaining green spaces in the area and should remain as such. Other concerns are that the units are a duplication of existing facilities and would not enhance the area; add to traffic flow problems at peak time; affect the safety of children attending nearby schools; and could lead to anti-social behaviour giving another area for youth to congregate.
26. Gary Vance of 15 Rowen Close whilst welcoming the concept of an additional community centre does not consider this to be the appropriate location. It is an incentive to allow the development of nursery to go ahead which is not needed. Has further concerns over traffic and does not believe the development to be traffic neutral. He also as concerns approval will be used as leverage for further development i.e. the “Eco Park”.
27. Ian and Lisa Wanless of 7 Snowdon Grove object on the same grounds as to opposing previous applications on this site. These are summarised as traffic and highway safety, loss of open land and that if it is approved will encourage more development on the open space area with further concerns over the loss open space and traffic. Comments that the flat roof to the Community centre is not in keeping with the rest of the development. Making money out of the development should not come before safety, the environment and the views of the residents.

## **PLANNING POLICY CONSIDERATIONS**

### National Planning Policy

28. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).
29. 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)

30. 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

31. 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

32. 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.

33. 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**

34. 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.
35. 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.
36. Means of access has been detailed and is satisfactory to the Head of Technical Services.
37. Siting and layout of the site were, in the previous application, a concern of the Landscape Architect who wished the nursery building to be moved further away from the western boundary to allow for more extensive boundary planting. This the applicant has addressed in the revised submission. The building could be located more centrally within the site, as suggested by the Ward Councillor, 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.
38. The Landscape Architect had also requested extensive tree planting within the site and again this has been addressed by the applicant. The Landscape Architect (now Urban design) no longer has any objection to the proposal subject to full details of landscaping being submitted and trees on the western boundary being relocated. Insufficient information has been provided on landscaping for this aspect to be approved. However, a 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.
39. With regard to previous concerns over the means of enclosure, the revised scheme has satisfactorily addressed this matter.

40. 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.

## **CONCLUSIONS**

41. 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. However, it should be recognised that 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 full details of landscaping. 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.

42. 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**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

### **Background Papers:**

Application files: 03/2212/OUT, 07/0492/REM and 07/1136/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