

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 18th July 2007

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

07/1375/FUL

**Erection of 82 no. bed care home and associated means of access, car parking and landscaping
654-656 Yarm Road Eaglescliffe**

Expiry date: 7 August 2007

Summary:

On 2nd November 2006, outline planning permission (Reference Number 06/2823/FUL) was granted for the erection of a 75 bed nursing home and demolition of an existing pair of semi-detached villas at 654-656 Yarm Road, Eaglescliffe.

This application proposes the erection of a two and a half storey building to provide an 82-bed nursing home on the site of those dwellings

A Pre-development Survey in respect of trees, Transport Statement, and a Design and Access Statement accompany the submission documents.

The two Victorian villas have been demolished to make way for the development, to be replaced by an 'H' shaped building following the same orientation as the neighbouring building on Yarm Road. External amenity open space is provided to the east and west of the site, with a small courtyard position south central. Car parking is arranged along the northern boundary of the site in three blocks, with a turning area to the rear of the site.

Two letters of representation have been received. One letter from the occupant of The Vicarage, Quarry Road objects to the development on the access and highway safety grounds, and in particular it's proximity to a large primary school and Egglecliffe Comprehensive, insufficient parking spaces, loss of privacy, and considers that the logistics centre in Eaglescliffe is a preferable site.

One letter from the occupant of 37 Highfield Drive raises concerns in respect of loss of privacy arising from the mid-section of the building as these would house bedrooms and two lounges, noise from comings and goings from the main entrance of the home, which faces towards the properties on Highfield Drive, requests taller narrower planting to screen the mid-section of the building.

In light of the fact that outline planning permission for a nursing home has been granted previously on this site and the development accords with the general locational requirements of adopted Stockton on Tees Local Plan policies GP1 and HO8, the development is considered acceptable in principle.

As the final siting of the building on the site is, at the time of writing, unknown the final assessment of the impact of the building on neighbouring occupants, parking arrangements, the protected sycamore tree, access, highway arrangements and amenity areas, and a full response to the objections and concerns of the local residents cannot be made.

RECOMMENDATION

In light of the above, it is recommended that the final decision be delegated to the Head of Planning for APPROVAL, subject to the conditions set out below and as subsequently found to be relevant;

Alternatively where the details are found to be unacceptable, that permission is refused.

01 Approved Documents

02. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

03. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting etc) proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc, indicating lines, manholes, supports etc) retained historic landscape features and proposals restoration, where relevant.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

04. Prior to commencement of development details of the finished floor levels of the buildings, amenity areas, driveways, parking and internal paths and any other incidental building shall be submitted to, consideration and agreement, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the agreed levels and maintained thereafter for the life of the development hereby permitted.

05. No working shall take place outside the hours of 0800 hours and 1800 hours Monday to Friday, 0800 hours and 1300 hours on Saturday, with no working on Sundays or Public/Bank Holidays.

Reason: In the interests of residential amenity.

06. Details of all external lighting of the buildings and car-parking areas shall be submitted to and agreed in writing with the Local Planning Authority

before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

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

07. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.

Reason: To achieve a satisfactory form of development.

08. Details of secure and covered cycle parking shall be submitted to, for consideration and subsequent approval by the Local Planning Authority. The approved cycle storage shall be implemented in full and available concurrent with the first use of the building as a nursing home and maintained thereafter, for the life of the development hereby permitted.

Reason: To provide facilities to encourage the use of sustainable forms of transport

09. Before the use commences, any living room or bedrooms with windows affected by railway noise levels in excess of 65 dB(A) (LAeq) (measured at a point 1 metre from the facade of any dwelling) between 0700 hours and 2200 hours or 60dB(A) (LAeq) between 2200 hours and 0700 hours, the developer shall insulate the dwellings in accordance with a scheme approved by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the nursing home hereby permitted and retained thereafter.

Reason; To protect the residents of the nursing home from railway noise, in the interests of residential amenity.

10. 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.

11. Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall specify the following matters:

No changes in levels within the branch spread of the trees

Where tree roots are encountered only hand digging will be allowed

Compaction of the root spread of the tree must be avoided and protective fencing will be erected around the canopy spread of all trees before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period

That no materials that may contaminate soil is discharged within 10 metres of protected trees (i.e. concrete mixing, diesel oil and vehicle washings)

Tall loads, counterweights, jibs etc can access and operate without contact with protected trees

That notice boards, cables and other items are not attached to any part of any tree

That excavations for any new services runs into the site will be located outside of the tree protection zones. Services must be routed away from all retained trees to prevent severance of roots during the excavation of trenches. Where this is not possible approved trenching methods shall be in accordance with NJUG 10.

Service runs will be submitted to the Local Planning Authority for approval prior to any excavation of the said runs.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

12. Prior to commencement of development, a protected species survey shall be undertaken and a scheme of mitigation where relevant submitted to, for consideration and subsequent approval by the Local Planning Authority. The approved scheme shall thereafter be implemented in full.

Reason: In the interests of nature conservation.

THE APPLICATION SITE

1. The proposed development would occupy the site of a pair of semi-detached Victorian villas now demolished. The site has been partially cleared and fenced, although boundary vegetation and two separate accesses to each villa from the road A135 Yarm Road remain.
2. To the north of the site are the rear gardens and properties known as 37 to 45 Highfield Drive. The common boundaries comprise vegetation, fencing and walls, although the majority of the properties rely on a mix of deciduous and evergreen vegetation as screening from the site. These dwellings are set at a lower level than the existing buildings on the application site.
3. To the south of the site is Whingroves Nursing Home. The common boundary comprises a mix of fencing and vegetation. One protected tree is to be found along this boundary – a Sycamore, in the front garden of 656 Yarm Road. Whingroves is set at a lower level than the former buildings on the application site.
4. To the east, the site is bounded by thick vegetation, beyond which is the road A135 Yarm Road. To the west, the site is bounded by fencing and vegetation, beyond is the railway line in cutting.

THE PROPOSAL

5. This application for full planning permission proposes the erection of an 82-bed nursing home. The details indicate a two and a half storey 'H' shaped building running in an east-west direction. The two larger blocks set to the front and rear of the building connected by a lower mid section.
6. Access would be taken via a new access to be created onto Yarm Road. Parking spaces would be provided to the front, side and rear of the site, generally adjacent to the northern boundary of the site.
7. Amenity open space is to be provided in a communal seating area to the front of the site and a patio and garden space to the rear.

Supplementary Information

8. The application is supported by a Supporting Planning Statement, Transport Statement, Condition Survey of 654 and 656 Yarm Road, a Bat and Barn Owl Survey and Pre-development Arboricultural Report.

CONSULTATIONS AND VIEWS RECEIVED

9. The planning application has been publicised by means of individual letters, site and press notice.
10. Two letters of representation have been received. One letter from the occupant of The Vicarage, Quarry Road objecting to the development on the access and highway safety grounds, and in particular its proximity to a large primary school and Egglecliffe Comprehensive, insufficient parking spaces, loss of privacy. Furthermore the objector considers that the logistics centre in Egglecliffe is a preferable site.
11. One letter from the occupant of 37 Highfield Drive raises concerns in respect of loss of privacy arising from the mid-section of the building as these would house bedrooms and two lounges, noise from comings and goings from the main entrance of the home, which faces towards the properties on Highfield Drive, requests taller narrower planting to screen the mid-section of the building.

Egglecliffe Parish Council

12. No comments to make.

Head of Technical Services

Highways

13. The Head of Technical Services has no adverse comments to make in respect of the development.

Landscape

14. Objects to this application on the grounds that the building would impact severely upon a protected sycamore tree. If consent is granted, details of the proposed planting and tree protection will be required, along with hard landscaping and boundary treatments. In responding the Landscape Officer gives detailed comments upon the impact of the building in this position and details possible future works and possible subsequent pressure for its removal. A revision of the footprint of the building is advised.
15. Comment is also made in respect of a mature alder in the rear garden of 37 Highfield Drive. This tree adjacent to the northern boundary of the site, is a significant specimen and is close to the proposed road and parking area. Works within the root protection zone of this tree should be constructed using the no-dig construction method.
16. Further advice is given in respect of works and tree protection, excavations in accordance with National Joint Utilities Group (NJUG) Publication No:10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees, comments on the need for additional planting along the site frontage, advises that a condition to secure all hard and soft landscaping is required.

Built Environment

17. No comments

Environmental Health Unit

18. Raises no objection in principle subject to the imposition of conditions in respect of land contamination, protection of residents from noise from the adjacent railway line, and in respect of the impact of construction noise, vibration and dust emissions advises a condition limiting working hours.

Tees Archaeology

19. State that previous comments made in respect of planning application 06/1375/OUT are relevant. Those comments set out that the current building forms a semi-detached pair of late Victorian properties. They are in keeping with the historic character of the greater Eaglescliffe area and the loss of the buildings would represent erosion of this character.
20. The Council should consider the impact of the loss of this building on the historic environment of the area when forming its planning decision. Should consent be granted then the council should satisfy themselves that the new build will be appropriate to the character of the area. My own preference would be to see the building retained and extended/converted.

CE Electric UK

21. Has no objections to the proposal and has forwarded mains records for the area.

English Nature

22. Comments that insufficient information has been submitted to assess the impacts of the development upon protected species. The response however,

refers to a screening process using the principles and procedures covered in Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.

Northumbrian Water

23. Makes comments in relation to water supply and foul and surface drainage.

Northern Gas Networks

24. No objections to the proposal and sets out mains records and standard advice.

Police Crime Reduction and Architectural Liaison Officer

25. No response received.

Joint Public Transport Group

26. No response received.

Care for your Area

27. No response received.

Councillor Maureen Rigg

28. The comments which I make are based on the information before me at present and without prejudice to any decision I may be called upon to make at future Planning Committees, my comments are as follows:

I am pleased to read the sustainability section of the Design and Access Statement and hope to see all of those measures included in the final detail of the plans.

Councillor J Fletcher

29. The means of access and the principle of development having already been determined by the outline permission, I do not find anything I can usefully add about the Reserved Matters.

PLANNING POLICY CONSIDERATIONS

30. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act requires that an application for planning permission shall be determined in accordance with Plan, unless material considerations indicate otherwise.
31. In this case, the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the adopted Stockton on Tees Local Plan (STLP)
32. Adopted Stockton on Tees Local Plan Policy GP1 requires all proposals for development to be assessed not only against Structure Plan policy, but also against a number of criteria which include concerns about the external

appearance of the development, effect on the amenities of neighbouring occupiers, access and parking arrangements, need for a high standard of landscaping and its relationship with the surrounding area.

33. STLP Policy HO8 states that proposals for residential institutions will normally be permitted provided that the property is located within a mainly residential area, within easy reach of public transport, shopping and other community facilities, the design of the development complements its surroundings and can provide an attractive outlook with secure and sheltered sitting areas; the development will have no adverse effect upon neighbouring properties and adequate access and space for parking and servicing can be accommodated without causing undue disturbance.
34. Planning Policy Guidance Note 4 'Industrial and Commercial Development and Small Firms' advises that commercial uses in residential areas should not normally be refused unless there are specific and significant objections, such as relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation.

MATERIAL PLANNING CONSIDERATIONS

35. The main considerations relate to planning policy implications, impact on the amenity of the residents of adjacent and proposed dwellings, and occupiers of adjacent properties, impact on the streetscene and visual amenity, nature conservation and access and highway safety considerations.

Land Use Planning Policy Issues

36. The application site is previously developed land located within the urban area of Eaglescliffe and within the limits of development. The site is within 400 metres of shops and facilities, including a health centre on Sunningdale Drive, the journey to which is level. Yarm Road provides access to bus services. Taking account of the previous permission, it is considered in principle that the use of the site for a nursing home in wider terms accords with policy HO8, and is acceptable but individual environmental impacts of the proposed development and their policy implications are considered below.

Residential Amenity and Adjoining Uses

37. Whingroves Nursing Home lies to the south of the site, and follows the general orientation east-west. This property has been altered and extended in the past. The front garden of that property, to Yarm Road has for the majority been surfaced to form a hardstanding for parking.
38. The northern elevation of Whingroves contains habitable room windows at ground and first floor, and the narrow area of land between the property and the boundary is set aside for pedestrian access and an informal seating area.
39. The current details show that generally adequate distances can be maintained between such a building and Whingroves. However, a final assessment cannot be made of the impacts of moving the building to the rear. It can be said that the given the proximity of the buildings, regardless of the changes, the outlook from both would be bland and uninspiring, and that as proposed building would stand to the north, it is not considered that the new building would overshadow Whingroves.

40. Properties on Highfield Drive stand to the north of the application site. In particular those at 37 to 45 Highfield are those most likely to be affected by the new building.
41. Again the assessment of the relative impacts of the buildings cannot be made. It is obvious that the new building would be clearly visible from the rear of those properties on Highfield Drive, and it should be acknowledged that the view from those properties beyond boundary vegetation would be changed, and in contrast to current views, dominated by built development. The degree of dominance can only be assessed once the details are received; likewise overshadowing.
42. The proposed driveway and parking for the nursing home would be along the common boundary of the site and the rear of gardens of properties on Highfield Drive, and this is substantially the same as previously approved. As acknowledged, in considering the impacts in the report of the outline proposal, this would inevitably lead to noise and disturbance arising from the comings and goings of staff, visitors, services and deliveries.
43. However, taking account of the fairly low key nature of the proposed use on the site although dependent on staffing levels, it is considered that the home could operate without undue disturbance to adjacent residents.
44. Lighting of the building and grounds can be positioned and shielded to ensure that light spillage does not unduly disturb the occupiers of neighbouring properties and this can be controlled by condition.
45. In light of the above comments, it is considered that the proposed new nursing home could be located on the site and provide an acceptable level of amenity for occupants of the home without unacceptable adverse impact on the amenity of the occupants of neighbouring residential properties, but this again is dependent on final details.
46. Amenity open space would be provided to the front and rear of the site. The application does not detail the hard and soft landscaping, however, in principle it is considered that the amenity areas would be usable by residents of the home. To the front of the property the garden area is screened from highway pollution and noise by existing vegetation and to the rear, whilst similarly affected by rail traffic would seem to offer a generally quieter and potentially less polluted alternative.

Relative Ground Levels in relation to Whingroves and Highfield Drive

47. The application site rises from the east and north, and is set higher not only than its neighbours to the north, but the building at Whingroves to the south. The applicant's agent has provided sections through the site to show that the building can be set at a lower level, and this coupled with relatively low eaves height would help to some extent to lessen the impact of the new building on visual and residential amenity. However, clarification of the ground and finished floor levels across the site are required before a final assessment can be made.

Visual Impact and Streetscene

48. The proposed building would stand approximately 32 to 44 metres from the boundary of the site to Yarm Road, and separated therefrom by an existing substantial hedge. The indicative elevation shows a façade that incorporates some elements of the vernacular, including square bays, hipped roofline, and timber and render features at the eaves.
49. The rear sections of the building is design to blend and complement the main façade not been submitted. Whilst the rear of the building would not be readily visible from surrounding public viewpoints, it is important for neighbouring residents in particular to ensure a sympathetic design. It is considered that the 'H' shape breaks the bulk and mass of the building as it faces properties to the north and the proposed landscaping can, if carefully designed, further alleviate the impact of the new build.
50. The submitted sections indicate that the building sits comfortably with Whingroves, again the separation distance from those properties is at present unknown and further assessment will need to take place.

Nature Conservation

51. Natural England's response refers to a lack of information to allow a full assessment and an alternative screening process that the Local Planning Authority could undertake.
52. Preliminary investigations documented in a Bat and Barn Owl Survey (Bat and Barn Owl Survey of 654-656 Yarm Road, Eaglescliffe E3 Ecology Ltd; R03 Final; 18-05-06), submitted with the previous outline application, found that from the habitats present in the local area the risk of bats being present and roosting in suitable buildings or trees is considered to be low.
53. Given that the buildings have now been demolished, the information previously provided, taking into account the advice of Natural England, and the nature of the screening process, it is considered that a condition requiring a survey and proposing mitigation measures (where relevant) prior to commencement of development is required and would adequately protect any nature conservation interests likely to be found on this site as they relate to protected species.

Landscape

54. The Landscape Officer's concerns in respect of the impact of the development on the protected Sycamore Tree are, at the time of writing, outstanding. The applicant has however, confirmed that the building could be repositioned away from the tree, which would address the Officer's concerns. As the remaining matters raised in the response can be adequately addressed by condition, it is considered that provided there are no objections to the new layout, that the proposed development may well be acceptable in landscape terms.

Access and Highway Safety

55. Access to the application site is via a new entrance to Yarm Road. The illustrative plans show 24 parking spaces to be provided in three locations within the site. A turning area is proposed to the rear of the site. The Head of Technical Services has no objections to the scheme. Notwithstanding this

response, there is no provision for secure, covered cycle parking but this can be secured by condition.

Residual Matters

56. The site is subject to localised flooding and the applicant suggests that the car park will allow for the collection of rainwater and management of flood. The detail of drainage can be addressed by condition. Although the comments of the Environment Agency have not been received, the site is not within a Flood Risk Zone

CONCLUSION AND RECOMMENDATION

57. As the final siting of the building on the site is, at the time of writing, unknown, and the final assessment of the impact of the building on neighbouring occupants, parking arrangements, the protected sycamore tree, access and highway arrangements and amenity areas cannot be made. In light of this, it is recommended that the final decision be delegated to the Head of Planning for approval, subject to the conditions set out above and as subsequently found to be relevant or refusal if the scheme is found to be unacceptable.

Director of Development and Neighbourhood Services

Contact Officer: Jane Hall–

Email Address: jane.hall@stockton.gov.uk

Telephone Number: 01642 528556

Financial Implications

None

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

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

Background Papers

Adopted Stockton-on-Tees Local Plan (1997)

Planning Policy Guidance Note 4 'Industrial and Commercial Development and Small Firms'

Planning Application Reference Number 06/1561/OUT

Ward and Ward Councillors

Ward	Eaglescliffe
Ward Councillor	Councillor A Lewis
Ward Councillor	Councillor J. A. Fletcher
Ward Councillor	Councillor Mrs M. Rigg