

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE 19 September 2006

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

07/2479/FUL

654-656 Yarm road Eaglescliffe

Revised application for the erection of 82 bed care home and associated means of access, car parking and landscaping

Expires 20 November 2007

Summary

In 2006, outline planning permission (06/1561/OUT) was granted for the siting of a 75-bed care home and associated means of access, which involved the demolition of a pair of semi-detached Victorian villas. In 2007, planning permission (07/1375/FUL) was refused for an 82-bed care home for the following reasons:

"In the opinion of the Local Planning Authority, the proposed Care Home by virtue of its size and position relative to the neighbouring property at No 37 Highfield Drive, would be overbearing and unduly dominant to the detriment of the amenity of the occupiers of that property contrary to policies GP1 and HO8 of the Adopted Stockton on Tees Local Plan

In the opinion of the Local Planning Authority, the proposed internal layout of habitable rooms of the Care Home would result in an unacceptable loss of privacy from the users of the rear garden of No 37 Highfield Drive to the detriment to the residential amenities of the occupiers of that property contrary to policies GP1 and HO8 of the Adopted Stockton on Tees Local Plan."

This revised application seeks to address those reasons and proposes an 'H' shaped 2.5 storey building following the same orientation as the existing buildings. External amenity open space is provided to the east and west of the site. Car parking is arranged along the northern boundary of the site in three blocks, with a turning area to the rear of the site. The rear section of the building has been shortened by approximately 1.0 metre and tree planting is indicated along the boundary of the site to No 37 Highfield Drive. The detail of the proposed elevations and general layout are unchanged.

An exclusion zone of 7.2 metres has been provided to protect a Sycamore tree on the southern boundary of the site.

Four letters of representation have been received objecting and commenting in respect of the following matters: access and highway safety, impact of the building on the character of Eaglescliffe, inappropriate location, design and character, impact on the amenity of the occupants of neighbouring properties, proposed planting and flooding.

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.

Taking account of the fact that the Council's separation distances have been met, the proposed reduction in the length of the building and additional planting (subject to the comments of the Landscape Officer), it is considered that the scheme as proposed is likely to adequately address the previous reasons for refusal.

The comments of the Council's Landscape Officer and Highways Engineers are outstanding, and therefore a full assessment cannot be made in terms of the impact on the protected tree, the appropriateness of landscaping and access and highway safety considerations.

Furthermore, at the time of writing, the notification and consultation period has not expired (13 September 2007) and therefore many consultees responses have not been received, and the Council may receive further representations from neighbours and other interested parties.

In order to allow full and proper consideration of the impacts of the scheme and as the time period allowed for a decision does not expire until 20th November, it is recommended that determination of application number 07/2479/FUL be delegated to the Head of Planning under the terms set out below.

RECOMMENDATION

It is recommended that determination of application number 07/2479/FUL be delegated to the Head of Planning for approval subject to the conditions outlined below provided there are no irresolvable issues or other matters which indicate a decision should be otherwise. If there are matters, which indicate that planning permission be refused or matters that cannot be resolved on or before 20th November 2007, then planning permission be refused accordingly.

Proposed conditions: Approved documents, time limits, details of landscaping, (soft and hard), tree and vegetation protection, levels, external illumination, secure cycle storage, provision of internal footpath link to Yarm Road, means of enclosure, drainage, working period, land contamination, and any other matters arising.

BACKGROUND

17. In 2006, outline planning permission (reference number 06/1561/OUT) was granted for the siting of a 75-bed care home and associated means of access. This involved the demolition of two Victorian semi-detached dwellings.

18. In 2007, planning permission (reference number 07/1375/FUL) was refused for an 82 bed care home for the following reasons:

“In the opinion of the Local Planning Authority, the proposed Care Home by virtue of its size and position relative to the neighbouring property at No 37 Highfield Drive, would be overbearing and unduly dominant to the detriment of the amenity of the occupiers of that property contrary to policies GP1 and HO8 of the Adopted Stockton on Tees Local Plan

In the opinion of the Local Planning Authority, the proposed internal layout of habitable rooms of the Care Home would result in an unacceptable loss of privacy from the users of the rear garden of No 37 Highfield Drive to the detriment to the residential amenities of the occupiers of that property contrary to policies GP1 and HO8 of the Adopted Stockton on Tees Local Plan.”

THE APPLICATION SITE

3. 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.
4. 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.
5. 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.
6. 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

7. This revised application seeks to address the reasons for refusal and proposes an ‘H’ shaped 2.5 storey building following the same orientation as the existing buildings. The details indicate a two and a half storey 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.
8. External amenity open space is provided to the east and west of the site. Car parking is arranged along the northern boundary of the site in three blocks, with a turning area to the rear of the site. The rear section of the building has been shortened by approximately 1.0 metre and tree planting is indicated along the boundary of the site to No 37 Highfield Drive. The detail of the proposed elevations and general layout are unchanged. An exclusion zone of 7.2 metres has been provided to protect the Sycamore tree on the southern boundary of the site.

PUBLICITY

9. The planning application has been publicised by means of individual letters, site and press notice. At the time of writing, the neighbour notification period has not expired – ends 13th September 2007.
10. To date, four letters of representation have been received. One letter from the Ms Farish of The Vicarage, Quarry Road objecting to the development as the buildings should have been repaired, the vast nursing home is totally out of character with Eaglescliffe, insufficient parking, on access and highway safety grounds, as it is a route used by school children, the logistics centre in Eaglescliffe is a preferable site for a nursing home.
11. One letter from Mrs Neish, the occupant of 37 Highfield Drive commenting on previous concerns in respect of localised flooding and lack of privacy. However, Mrs Neish states that she has been reassured on both of these matters as the surplus water will be channelled into the sewer system or recycled, and the a landscaper will plant suitable fastigate or small trees between the properties to afford more privacy. Mrs Neish states that she is now much happier with these assurances.
12. Mrs Passman of 561 Yarm Road objects to the proposal on the grounds that Yarm Road cannot sustain the amount of traffic along this road, the proposal would make the area noisier, and this would be an invasion of privacy. The objector questions whether signs to the airport which direct the public along the A135 should be removed, and what measures do the nursing home intend to implement to reduce rather than increase the volume of traffic. The objector also suggests that the residential feel of Yarm Road has been totally eroded away by greed. It is suggested that the land is used for recreational facilities not money making projects.
13. Dr Royal of 648 Yarm Road states that this application fails to address the main drawbacks of previous applications in terms of loss of privacy/amenity of neighbouring properties, appearance out of keeping with area, inadequate parking provision with consequent overspill onto Yarm Road/Highfield Drive and risks to pedestrians particularly schoolchildren due increased vehicular ingress/egress.

CONSULTATIONS

Egglecliffe Parish Council

14. No response received.

Head of Technical Services

Highways

15. Comments awaited.

Landscape

16. Comments awaited.

Built Environment

17. Comments awaited.

Environmental Health Unit

18. Raises no objection in principle subject to the imposition of conditions in respect of noise insulation, land contamination and working period.

Tees Archaeology

19. State that now that the buildings have been demolished they have no interest in the site.

CE Electric UK

20. No response received.

Natural England

21. 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

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

Northern Gas Networks

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

Police Crime Reduction and Architectural Liaison Officer

24. No response received.

Joint Public Transport Group

25. No response received.

Cleveland Fire Brigade

26. No response received.

Care for your Area

27. No response received.

Network Rail

28. No response received.

Head of Housing

29. No response received.

Councillor Maureen Rigg

30. No response received.

Councillor J Fletcher

31. In view of the principle established by the outline consent for this site for this purpose and the terms of the Planning Committees resolution on 18-7-07 (Minute P28/07) on application 07/1375/FUL, it would seem that the only question which in practice needs to be considered on the current application is whether “the impact of the building on the amenity of occupants of neighbouring properties on Highfield Close and Whingroves Nursing Home in terms of overbearing impact, loss of privacy, and overshadowing or as otherwise appropriate” is acceptable, except that there are no immediately adjoining properties on Highfield Close, so we should be looking at the impact of the building on amenity of the occupants of neighbouring properties on Highfield Drive.

PLANNING POLICY CONSIDERATIONS

32. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise.
33. In this case, the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the adopted Stockton on Tees Local Plan (STLP)
34. 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.
35. 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.
36. 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

37. The main considerations are in the light of the previous refusal of planning permission whether the current proposal addresses the previous reasons for refusal in terms of the likely impact on the amenity of the residents of adjacent properties and existing dwellings/properties, impact on the street scene and visual amenity, nature conservation and access and highway safety considerations.

Land Use Planning Policy Issues

38. 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

39. 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 hard standing for parking.
40. 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. The details show that generally adequate distances of between 15 and 21 metres can be maintained between the proposed building and Whingroves. It has to be acknowledged however, that the outlook from the north elevation of Whingroves and south of elevation of the new building both would be bland and uninspiring.
41. The amended plan also shows that the new building would now extend approximately 8.7 metres beyond the rear elevation of Whingroves. As this section of the new (rearward) building would be sited 8.4 metres to the north, it is not considered that the building would have an adverse impact on the amenities of the residents of Whingroves by virtue of overbearing and overshadowing.
42. The elevation of the rearward section of the new building, which would face the rear garden of Whingroves, contains landing windows. The existing middle H section of the building contains bedroom windows. The existing building largely screens views from the proposed bedroom windows, and where views are available, they are slim and restricted. It is not considered that the proposed development would have an unacceptable adverse impact on the privacy of the residents of Whingroves.
43. 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.

44. On the basis of the amended plan, 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.
45. The revised plans show that the requisite distances between the elevations of the properties on Highfield Drive and the nursing home are met. Taking account of the fact that the building has been shortened and fuller planting is proposed, and having considered the objections raised by the occupant of 648 Yarm Road, and the comments of the occupants of 37 Highfield Drive, it is now considered that subject to the comments of the Landscape Officer that the scheme as proposed is likely to be acceptable in this respect.
46. 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, at outline. 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.
47. 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.
48. 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.

Amenity Open Space - Proposed Nursing Home

49. 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

50. 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. The precise detail of the levels can be secured by condition.

Visual Impact and Street scene

51. The proposed building would stand approximately 32 to 44 metres from the boundary of the site to Yarm Road, and separated there from 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.

52. 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. Whilst it is considered that the 'H' shape breaks the bulk and mass of the building as it faces properties to the north, landscaping would help improve views into the site.
53. The objections raised by Mrs Farish and Dr Royal have been considered, however, and although the final comments of the Landscape Officer have not been received, it is likely that the final view will be that proposed building with some additional landscaping, and tree protection measures would be acceptable in terms of design and sits comfortably with Whingroves and Highfield Drive in visual and street scene terms.

Nature Conservation

54. 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. (As set out in paragraph 29)
55. 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.
56. 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

57. The Landscape Officer's comments are awaited and expected, and will be set out in an Update Report.

Access and Highway Safety

58. 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 views of the Head of Technical Services are awaited and expected, and will be set out in an Update Report. That report will also address representations received in this respect.

Residual Matters

Airport Signage

59. Matters relating to airport signage will be considered in an update report.

CONCLUSION AND RECOMMENDATION

60. 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.
61. Taking account of the fact that the Council's separation distances have been met, the proposed reduction in the length of the building and additional planting (subject to the comments of the Landscape Officer), it is considered that the scheme as proposed is likely to adequately addresses the previous reasons for refusal.
62. The comments of the Council's Landscape Officer and Highways Engineers are outstanding, and therefore a full assessment cannot be made in terms of the impact on the protected tree, the appropriateness of landscaping and access and highway safety considerations.
63. Furthermore, at the time of writing, the notification and consultation period has not expired (13 September 2007) and therefore many consultees responses have not been received, and the Council may receive further representations from neighbours and other interested parties.
64. In order to allow full and proper consideration of the impacts of the scheme and as the time period allowed for a decision does not expire until 20th November 2007, it is recommended that determination of application number 07/2479/FUL be delegated to the Head of Planning under the terms set out above.

Director of Development and Neighbourhood Services

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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 and 07/1375/FUL

Ward and Ward Councillors

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