

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

29 April 2009

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

08/2977/FUL

Land North Of Blair Avenue, Ingleby Barwick , Stockton-On-Tees

Erection of mixed use development for 75no. bedroom residential nursing home and 816sq.m. Private Medical Centre Building and associated vehicular access and car parking.

Expiry Date 7 May 2009

SUMMARY

The planning application seeks to develop for commercial purposes, an area of land 0.689 hectares in size located on the north side of Blair Avenue close to the Myton Way Centre, the main retail/commercial centre in Ingleby Barwick. It seeks full approval for a 75 bedroom residential nursing home and a private medical building with associated vehicular access and car parking. The layout includes provision for a 50 place day nursery previously granted outline and reserved matters approval on appeal by applications 07/0492/REM, 07/1136/REM and 06/3752/OU. The children's day nursery does not form part of the current proposals and is reserved for a later phase of development.

The site has Reserved Matters approval following outline planning consent for a children's day nursery together with a Community centre. A proposal (described as an 'Eco Park') for more extensive development and utilising a 3 hectare strip north of Blair Avenue was withdrawn without a decision being made. The proposal has caused a significant degree of public concern and opposition resulting in objections from 12 sources requiring the application to be determined by members. The primary concerns are traffic and highway safety given current problems in Ingleby Barwick. Other issues are the over development of a "green area", the lack of need for such uses, massing, design and layout, lack of open space/global warming, economic, social and environmental issues and procedural difficulties with the making of the application.

On the basis that most of the site already has permission for development and in view of the site being well served by public transport the applicant's transport consultant in the Transport Statement accompanying the application has concluded that there would be less vehicular trips associated with the current proposals. The Head of Technical Services agrees with this assessment given that this scheme is supported by a draft Travel Plan Framework. Ingleby Barwick Town Council and a number of objectors are concerned that the proposal will generate more traffic which would add to congestion on the already busy roads around the main centre of Ingleby Barwick at peak times. Due to the proximity of schools and pedestrian crossings they consider that access to and from the location is also a concern. The planned expansion of All Saints Secondary School by 300 places, from 600 to 900 will also have an impact on traffic generated at the location and affects the Transport Assessment and Accident statistics. They also consider that car parking and servicing facilities are insufficient.

The Head of Technical Services finds that the level of car parking and access arrangements acceptable and sees the introduction of a robust Travel Plan Framework and individual Travel Plans as being an improvement over the previous approved schemes which have not included one. Accordingly it is considered that the proposal would actually represent a reduction in the predicted future traffic levels compared with the schemes approved on appeal. It is also not considered that the development would give rise to any other particular highway safety concerns subject to conditions to ensure the access, roadways and car and cycle parking and bin store arrangements are carried out.

It is considered that the layout, landscaping areas, form, design and materials of the site and buildings would be appropriate to the location of the development. Conditions are also required on hard and soft landscaping, tree protection and maintenance, means of enclosure, drainage, timing of works, noise insulation, cycle parking, Other matters such as procedural issues, impact on property values and the development is only profit motivated are noted but are not material to the planning decision. Subject to the proposed conditions there should not be any adverse impact on residents, existing or future neighbours.

The application is therefore recommended for conditional approval.

RECOMMENDATION

Planning application 08/2977/FUL be Approved with Conditions subject to

- 01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>A 100</i>	<i>11 March 2009</i>
<i>D-08 REV A</i>	<i>24 October 2008</i>
<i>D-00 REV E</i>	<i>21 January 2009</i>
<i>TRANSPORT STATEMENT DRAFT TRAVEL PLAN FRAMEWORK</i>	<i>2 February 2009</i>
<i>E-05 REV A</i>	<i>16 April 2009</i>
<i>E-07 REV A</i>	<i>16 April 2009</i>
<i>E-09 REV A</i>	<i>16 April 2009</i>
<i>D-09 REV A</i>	<i>16 April 2009</i>
<i>D-10 REV B</i>	<i>16 April 2009</i>
<i>D-03 REV L</i>	<i>17 April 2009</i>

Reason: To define the consent.

- 02. *Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) taking account of and indicating existing vegetation and surrounding landform, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.***

Reason: In the interests of visual amenity

03. Prior to commencement of each phase of the development, a scheme detailing the area to be used for on-site staff accommodation, storage of plant and materials, parking and manoeuvring of site operatives and visitor vehicles, together with the unloading and loading of goods vehicles for the period of construction of any phase of development shall be submitted to, for consideration and agreement of the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and available for use concurrent with the commencement of development.

Reason: In the interests of highway safety

04. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise and thereafter retained unless with the prior written approval of the local planning authority on an application.

Reason: To ensure that the living accommodation is not adversely affected by traffic noise in the interests of residential amenity.

05. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To ensure that surface water is catered for within the site in the interests of minimising flood risk.

06. No development shall be commenced until details of covered and secure cycle parking have been submitted to and approved in writing by the local planning authority. The cycle parking shall be constructed in accordance with the approved details prior to the occupation of the building to which it relates.

Reason: To ensure that cycle parking is provided in the interests of highway safety.

07. Notwithstanding the proposals detailed in the submitted plans,
a) All means of enclosure including;
b) any requirement for earthwork retention;
c) and street furniture associated with the development
shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

08. Notwithstanding the details submitted with the application construction of the walls and roofs 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: In the interests of visual amenity and to ensure a satisfactory appearance and character of the building for its setting.

09. ***Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:***
- a) ***commencement of the development***
 - b) ***or agreed phases***
 - c) ***or prior to the occupation of any part of the development***
- and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.***

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

10. ***Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the***
- a) ***development***
 - b) ***or approved phases.***
- Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. The landscape management plan shall be carried out as approved.***

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

11. ***Notwithstanding the proposals detailed in the submitted plans, the development shall not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths has been submitted to and approved in writing by the LPA.***

Reason: To enable the LPA to control details of the proposed development, and to improve the appearance of the site in the interests of visual amenity.

12. ***Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by***

another of the same size and species unless directed in writing by the Local Planning Authority.

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

- 13. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection).**

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

- 14. The development hereby approved shall not be occupied until the roads, car and bin stores have been completed in accordance with the approved details.**

Reason: To ensure that the service areas are formed to serve the development and In the interests of highway safety.

- 15. The drainage system from the kitchen / café areas shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.**

Reason; To prevent pollution of the environment.

- 16. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.**

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

- 17. Before development commences details shall be submitted to and approved in writing by the local planning authority of the provisions for refuse collection and recycling within the site.**

Reason: In order to facility refuse collection and recycling in the interests of sustainability and amenity.

- 18. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.**

Reason: To prevent pollution of the environment.

19. **No planting above 600mm high shall be carried out within the sight lines of the approved means of access. Any planting carried out within the sight lines shall be maintained so as not to exceed 600mm in height.**

Reason: In the interests of highway safety.

20. **Prior to installation, full details of any external illumination of buildings facades and external areas of the site, including parking courts, shall be submitted to for consideration and approval of the Local Planning Authority. Those details shall include:**

- a) siting**
- b) angle of alignment;**
- c) light colour; and**
- d) luminance;**

The lighting thereafter shall be implemented wholly in accordance with the agreed scheme, unless with the prior agreement of the Local Planning Authority to any variation.

Reason: In the interests of visual amenity and highway safety.

21. **The access to Blair Avenue shall be laid out, hard surfaces and sealed in accordance with details and timetable, which shall have been submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the development hereby permitted.**

Reason: To ensure that a suitable form of access is made available to serve the development, in the interests of highway safety.

22. **Prior to the first occupation of each building or phase of development hereby approved the Travel Plan document relating to that unit or phase of development shall be submitted, finalised and agreed in writing with the local planning authority. The Travel Plan shall include:**

- 1 Appointment of Travel Plan Co-ordinator at least one month prior to opening of the site in order for actions to be put in place in time for staff starting.**
- 2 Car Sharing bays to be marked out positioned close to the building entrances.**
- 3 Employees to be made aware of the Tees Valley 'liftshare' internet site 2Plus Travel on appointment and encouraged to register.**
- 4 New staff to be provided with travel information packs.**
- 5 An Action Plan with SMART targets associated with the actions.**
- 6 Information for employees and visitors on sustainable modes of transport and bus timetables.**
- 7 Incentives for travelling to the site by cycle, such as cycle parking and shower facilities for staff and bus passes for employees.**
- 8 Car sharing schemes including details of how the scheme will operate.**

- 9 ***The plan should also include details of targets and how travel behaviour will be monitored.***

Reason: In the interests of reducing the impact of traffic generated by the development in the interests of highway safety and sustainability.

Informative

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as it is acceptable in relation to the principle of the development, highway safety, the impact on the character and appearance of the area, the impact on residential amenity and privacy, and there are no other material planning considerations which indicate a decision should be otherwise.

Stockton on Tees Local Plan Policies

GP1 – General Principles, EN11 Tees Forest, HO8 Class C2 uses and TR15 Highway Design and Parking Standards.

PROPOSAL

1. The current application is for a full permission for the developments approved in outline on appeal under application reference no. 06/3752/OUT, except the children's day nursery. The nursery use previously approved for the site would be the subject of a further application but its position is shown on the site layout plan. The proposals include a 75 no. bedroom residential care home of 3398.5sqm floor area together with a private medical building of 806 sq m floor area. This was originally described as a building for use by the Primary Care Trust but that is no longer the case.
2. The layout shows a new road access from Blair Avenue at the western end of the site frontage with the private medical building adjacent and backing onto Blair Avenue. The site for the children's day nursery is located to the back north west corner of the site and the 3 storey care home would occupy the eastern half of the site extending from Blair Avenue to the rear boundary. The proposed layout follows the indicative outline scheme under application 06/3752/OUT.
3. The application is supported by a design and access statement, a Transport Assessment and a Draft Travel Plan Framework.

CONSULTATIONS

4. The following Consultations were notified and any comments received are set out below:-
7. **Ingleby Barwick Town Council**
This proposal will generate more traffic, adding to the already congested roads around the main centre of Ingleby Barwick at peak times. The proposed development is adjacent to All Saints Secondary School and Myton Park Primary School as well as two pedestrian crossing points, access to and from the location is therefore also a concern. All Saints Secondary School, under Building Schools for the Future, is currently proposed to be increased by 300 places, from 600 to 900. This will also have an impact on traffic generated at the location. Concerns are therefore raised in respect of both the Transport Assessment and Accident statistics being out of date. The proposal does not provide any facilities for commercial deliveries. The plans show only 29 parking spaces for the proposal, 4 of which are for disabled visitors. Given that the supporting documentation suggests the provision of 47 places the parking allocation is insufficient.

8. **Stockton Police Station - Eddie Lincoln**
No representations received.
9. **Joint Public Transport Group**
No representations received.
10. **Northumbrian Water Limited**
Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make:
The application has been examined and Northumbrian Water has no objections to the proposed development.
11. **Northern Gas Networks**
According to our records NGN has no gas mains in the area of your enquiry. Gas pipes owned by other Gas Transporters and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.
12. **CE Electric UK**
(Summarised)
The enclosed Mains Records only give the approximate location of known Northern Electric apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.
13. **Care For Your Area**
No representations received.
14. **Technical Services**
Reference Drawing No: Proposed Overall Site Plan 2506/D-03 L

General Summary

The application is acceptable in Urban Design terms subject to agreement of final details which shall be requested as conditions attached to any consent.

15. **Highways Comments**
The submitted information has been considered and comments are as follows:

The revised Transport Statement has been carried out to the latest guidance and is acceptable, it includes the following information:
 - The trip rates suggested of morning peak hour 26 arrivals, 11 departures and afternoon peak hour 20 arrivals and 24 departures is acceptable. Current 2 way traffic flows in the area are morning peak 738 and evening peak 1055 vehicles.
 - The site is served by X6 and 17 bus services, with bus lay bys and shelters in place adjacent to the site.
 - The site is opposite a primary and secondary school. There may be issues of parental parking in the car parks, particularly at school finish times that will need to be managed by the developer.
 - There are good pedestrian links to the District Centre via a toucan crossing on Blair Avenue.

- There have been two accidents causing slight injuries in the last three years. Both accidents involved a collision of two vehicles. They are fully described in the Transport Statement and it is not expected that this development would adversely affect highway safety.

I refer to the revised drawing that has been submitted for consideration.

This drawing indicates 57 car parking spaces and includes the 5 disabled parking spaces previously requested. This level of car parking is acceptable for the various uses as follows:

- Nursery (not included in this application) – 10
- Nursing home – 18
- PCT Clinic – 29

Access arrangements and visibility splay are in line with the approved outline application. Cycle parking is indicated on the drawing and should be covered and secure, should the development be approved then this should be conditioned. The provision of cycle parking should also be included in the Travel Plan.

The internal layout is acceptable and pedestrian routes are clearly defined, I am satisfied that pedestrians can adequately manoeuvre around the site.

A drawing has been included within the Transport Statement (No N9003/TC/001) that indicates that servicing can be safely accommodated within the site. Refuse collection including provision for recycling should be managed within the site and details should be submitted.

All access, kerbs and footways should be constructed in accordance with SBC Design Guide and Specification.

The development requires a Travel Plan to be implemented in order to support the revised Transport Statement and agreed trip rates. A Travel Plan has been submitted so that it can influence the travel behaviour of end users at the time of opening of the development. The ongoing implementation of the travel plan needs to be conditioned as part of this development, specific comments regarding the submitted plan are as follows:

- Appointment of Travel Plan Co-ordinator 7.1 – More detail required on when TPC will be appointed. This should be at least one month prior to opening of the site in order for actions to be put in place in time for staff starting.
- Car Sharing 7.7 – A number of bays should be marked out for car sharing. These should be positioned close to the building entrances.
- 7.7.3 – The Tees Valley has its own ‘lift share’ site – 2Plus Travel. Employees should be made aware of this site on appointment and encouraged to register.
- New Staff 7.8.1 – mentions that new staff “could” be provided with travel information packs. This should be more definite, for example, “will be provided with”.
- Action Plan – This needs to have SMART targets associated with the actions.

It is expected that the travel plan will provide information for employees and visitors on sustainable modes of transport as described above and also including information such as bus timetables. The travel plan should also provide incentives for travelling to the site by cycle,

such as cycle parking and shower facilities for staff. It is also appropriate for other incentives to be introduced such as bus passes for employees. Car sharing schemes should also be considered, including details of how the scheme will operate. The plan should also include details of targets and how travel behaviour will be monitored.

16. Landscape & Visual Comments

The site plan has been revised indicating a realignment of the footpath access into the site from Blair Avenue as requested in our previous comments. This arrangement is now acceptable.

The accompanying letter from the applicant states that the proposal to plant trees within the existing hedges will have a detrimental affect and that extensive planting is carried out in locations where the hedges do not exist. Whilst I note these concerns, the previous site plans have stated that dense screen planting is to be carried out to the perimeters. Our previous comments and subsequent acceptance of the site plan (dated 6 March 2009) was based upon the inclusion of supplementary planting to the existing hedges along the north and east boundaries. This supplementary planting should include tree planting to maximise the screening potential along the boundaries. Trees should either be accommodated within the hedges where possible or adjacent to the hedges and within the 4m wide planting strip. Our previous memo also requested the submission of full planting details for approval and a tree and hedge survey, to compliment the planting plan in order to assess any necessary enhancement of the existing hedges.

I conclude that whilst the overall site layout is now acceptable, the above previously requested information should be conditioned as part of any approval. Typical Conditions included in the Informative Section.

The conditions relate to the following matters:

INFORMATIVE

UDLV04 SCHEME FOR ILLUMINATION

UDLV02 EXISTING AND PROPOSED LEVELS

UDLV05 LANDSCAPING – SOFTWORKS

UDLV09 MAINTENANCE- SOFTWORKS

LANDSCAPING – HARDWORKS

UDLV06 TREE ASSESSMENT

UDLV07 RETENTION OF EXISTING TREES, SHRUBS AND HEDGES

UDLV08 TREE PROTECTION

CONSTRUCTION CAR PARKING

17. Primary Care Trust

No representations received.

18. Corporate Director Children, Education and Social Care

No representations received.

19. **Environmental Health Unit**

Noise disturbance from adjacent road traffic. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB (A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

• Drainage - grease trap

The drainage system from the kitchen / café areas shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.

• Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

20. **Local Ward Councillor – Ken Dixon**

(First comments)

Reference the application to build a 75 bed Nursing Home..... I note that there are only parking spaces for 24 vehicles plus 4 for disabled vehicles making 29 in total, This I find incredible and it doesn't take a lot of logic to work out that with staffing there are only going to be a few parking places left. Where do the visitors to the **75** anticipated resident's park, the Delivery vehicles as well as other ancillary staff park also. I note with surprise (or maybe not) that there has been not update on the traffic impact survey which I see is a straight lift from the CUNDALL one carried out in **2006**, I question the validity of the findings within this report as to the following,

- 1) The traffic situation on Blair Avenue and at the Tesco Roundabout is horrendous and bears **NO** resemblance to the report.
- 2) All Saints School is due under BSF and **WILL** get another 300 pupil places.
- 3) The traffic accident analysis is wholly out of date.
- 4) The statement that the area is WELL SERVED BY PUBLIC TRANSPORT. Is not true.

I therefore request that an up to date traffic assessment be done by use of the **VISSUM model**, that up to date assessments on the impact of the nearby schools be done taking into account the extra 300 pupils. Also that the public transport analysis along with road traffic analysis be updated to give a true picture .

I am concerned about the PCT buildings, am I to take it that the car parking facilities i.e. 24+4 are also included in this number for this building, if so I find that my concern over the parking places for the nursing home will be further compounded by the addition of the usage of this building.

I have also been assured that the PCT in Stockton have enough facilities in Ingleby Barwick without further additions. Can you give me a better idea what this building is going to be used for and by who.

Sorry for the length of the e mail but I feel answers are needed to my points.

(Second comments)

21. I wish to object to this application on the same grounds as I have previously stated, this application has more questions and anomalies than any I have come across. I have read the Cundall transport statement and would like answers to my following observations:-
- 1) I note that medical building is still being referred to in the Existing Conditions as PCT clinic building which it is not!
 - 2) At 2.3 transport data is flawed, as far as I am aware there is NO 16A/16B bus route through Ingleby Barwick, I am aware that there is an early bus service through Lowfields whether this is the 516 I do not know, however this service does not go past the Blair Ave bus stops outside the application land.
 - 3) The X6 bus as far as I am aware has now finished with its funding stream.
 - 4) In the 3.2.7 trip generation, I note that there is no reference to ambulance and delivery trips these would significantly add to the over 100 vehicle trips expected during a day.
 - 5) I note that the trip rate calculation was done on 2006 figures dating from 1998 –2005, these figure I find totally inappropriate for the Ingleby Barwick area as this area is muted to be the largest private housing estate in Europe, how can the areas given equate to an area where there is likely to be over 20.000 residents?
 - 6) I note with interest that the question of an extra 300 school pupils expected at All Saints School has still not been addressed as to possible extra hazards in the Blair Ave area?
 - 7) There is still no mention of the extra buildings that have sprung up since this Click survey was done, why have we not had an up to date traffic assessment.
 - 8) There is no mention that there are 2 separate doctors' practices and soon to be an empty doctors practice?

Could all these inaccuracies and questions be answered?

22. **PUBLICITY**

Neighbours were notified and 12 objections have been received to the proposed development. The issues raised are detailed below (in summary);

- Massing and size of nursing home and effect on the adjacent land to the north.
- The nursery is close to the northern boundary and there are no elevation details.
- Details of landscaping required.
- The PCT has no plans to occupy any new property on this site.
- Duplication of existing underused facilities
- Application procedural matters
- Lack of car parking provision
- Additional traffic will be generated on already congested road system that needs improving first
- Access to properties is already restricted by overcrowded roads on only access road to Round Hill and will lead to traffic flow problems
- Highway safety
- Pedestrian safety of school children
- Economic, social and environmental issues
- Design and layout
- Over development of yet another "green area".
- Health concerns for the young within 500m of main roads

- Lack of open space, global warming, CO2 emissions
- Deforestation, Ecotherapy being close to nature
- Prefer a Community Centre.
- Our view will be obstructed from the rear of our property.
- The development of a private medical facility is not in keeping with the residential area and will devalue property.

23. **PLANNING POLICY**

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

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 permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (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 the public rights of way network.

Policy EN11

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.

Policy HO8

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

- (i.) The property is located within a mainly residential area within easy reach of public transport, shopping and other community facilities; and
- (ii.) The design of the development compliments its surroundings and can provide an attractive outlook with secure and sheltered sitting areas; and
- (iii.) The development will have no adverse effect upon neighbouring properties; and
- (iv.) Adequate access and space for parking and servicing can be accommodated within the site without causing undue disturbance.

Policy TR15

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

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

PPS1: Delivering sustainable development - February 2005

PPG13: Transport - March 2001

PPG17: Sport and Recreation – July 2002

BACKGROUND

24. Outline planning permission was granted in February 2004 for the development of 0.5 hectares of the current application site for a community centre and children's day nursery with associated car parking (03/2212/OUT). The permission reserved all matters of detail for future approval. The application, seeking approval for these details has now been approved under reference number 07/0492/REM.
25. A further outline application (05/0870/P) but relating to a much larger area (2.937 hectares) comprising the whole of the unallocated strip of land north of Blair Avenue, was submitted in March 2005. It sought approval for a mixed-use development on the site comprising not only the nursery and community centre but other uses including retail, pub/restaurant, industrial starter units, health and fitness centre, offices as well as an area at the western end of the site dedicated to public open space purposes. The stated intention was that the site was to be developed as an 'Eco Park' using sustainable materials and ecological friendly construction techniques. However, the application was withdrawn following concerns raised by the scale and type of development proposed as well as traffic issues. There was also a large amount of public objection to the proposal primarily on the grounds of traffic, loss of open space as well as opposition to the uses proposed.
26. 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 was, at the request of the applicant, withdrawn.
27. 03/2212/OUT_Nunthorpe Nurseries Group
Outline application for the erection of a community centre and children's day nursery and associated car parking. Approved with Conditions. All matters reserved for future approval. The decision expired on 03/02/09.
28. 05/0870/OUT Nunthorpe Nurseries Group Ltd
Outline application for means of access and siting of mixed-use development with associated car parking and landscaping. Application withdrawn without a decision being made. The application was for 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.
29. 06/0823/OUT Nunthorpe Nurseries Group Ltd
Revised outline application for approval in principle of mixed use development with associated car parking and means of access and hard and soft landscaping. This application was for the same area as 05/0870/OUT but increased the amount of open

space provision and deleted some of the more contentious industrial and commercial/retail uses. Refused for the following reasons:

1. *In the opinion of the Local Planning Authority it is considered that the proposal would be detrimental to highway safety and the free flow of traffic in Ingleby Barwick due to giving rise to severe congestion, the provision of unsafe access to the development, an unacceptable internal layout and insufficient parking provision, contrary to policies GP1 and TR15 of the adopted Stockton on Tees Local Plan.*
2. *In the opinion of the Local Planning Authority the application has failed to prove either sequentially or in terms of the need that the town centre elements of the development are justified in this out of centre location contrary to policy S2 of Alteration No 1 to the adopted local plan and Planning Policy Statement 6.*
3. *In the opinion of the local planning authority the proposed siting of the buildings and other structures for which permission is sought would have an unacceptable adverse impact on the amenity of existing and future occupants of neighbouring properties contrary policies GP and S17 of the Adopted Stockton on Tees Local Plan.*
4. *The application has failed to provide a Flood Risk Assessment to demonstrate that the development would not exacerbate flooding problems downstream within the catchment area contrary to the requirements of PPS25.*

30. 06/3752/OUT Messrs Howlett and Nelson
Outline application for mixed use development comprising 50 no. place children's nursery, 75 no. bed old peoples home, 816 square metre Primary Care Trust building together with associated means of access and car parking. Appeal allowed with Conditions. A copy of the appeal and costs decisions are attached at Appendix 8 and 9.

LPA refused for the following reasons:

1. *In the opinion of the Local Planning Authority the proposed development would generate additional traffic in the area where the existing highway infrastructure is severely congested and would therefore be detrimental to the interests of highway safety contrary to the objectives of Planning Policy Guidance Note No 13 Transport.*
2. *In the opinion of the Local Planning Authority the development would result in a loss of an area of land which provides a buffer between built development within the Ingleby Barwick and as such would be detrimental to the visual amenities of the area contrary to policy GP1 of the adopted Stockton on Tees Local Plan.*
3. *In the opinion of the Local Planning Authority the development would result in a loss of an area of open space identified as part of the Local Open Space System in the Ingleby Barwick Master Plan (Revised 1991) to the detriment of the visual amenities of the area and contrary to policy GP1 of the adopted Stockton on Tees Local Plan*

31. 07/0492/REM Mr Paul Nelson
Reserved matters application for the erection of a children's day nursery, community centre (D2 use class), associated car parking and access road. Appeal allowed with Conditions 6 February 2008.

Reason for LPA decision:

- a. *In the opinion of the Local Planning Authority the location of the children's 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

32. 07/1136/REM Mr P Nelson
Revised reserved matters application for the erection of a children's day nursery, community centre (D2 use class), associated car parking and access road. Appeal allowed with Conditions 6 February 2008.
Reason for LPA decision:
1. In the opinion of the Local Planning Authority the location of the children's 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

SITE AND SURROUNDINGS

33. The application relates to an area of land 0.689 hectares in size located on the north side of Blair Avenue and to the north west of the Myton Way Centre, the main retail/commercial centre in Ingleby Barwick. The site comprises of partially rough grassland with hedgerow trees on the north and eastern boundaries. There is an area of fairly recent planting which has now become established outside the site to the west. 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'.
34. Opposite to the south on the other side of Blair Avenue, is All Saints Secondary School, Myton Park Primary school and a Library. North of the site and separated by an existing hedge, is undeveloped land which is allocated in the local plan 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. There is a bus stop lay-by and shelter next to the site in Blair Avenue.

MATERIAL PLANNING CONSIDERATIONS

35. In the light of the consultation responses, concerns raised by residents, planning policy and planning history of the site, the main planning considerations of this application are considered to be the impacts of the development on planning policies, traffic, access and highway safety, the appearance and character of the area, residential amenity of existing and future residents of neighbouring dwellings and the proposed nursing home and privacy any other material considerations.

Principle of the development

36. The site is within the Limits to Development as defined by the local plan and it is considered the application site is a sustainable location and in accord with Planning Policy Statement 1. The outline planning permission 06/3752/OUT granted in 2008 established the principle that the site is appropriate for 75-bed old peoples home, a 816sqm medical building and a 50 place children's nursery. The principle of the development of the site had previously been established by an outline approval in 2004 by application 03/2212/OUT and the subsequent approval of the reserved matters for a community centre, children's day nursery and associated car parking by applications 07/0492/REM and 07/1136/REM.
37. It is noted that the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. The proposal only seeks to develop a relatively

small part of the undeveloped land north of Blair Avenue. The majority of the land further to the north of the site is a committed housing site under policy HO1f. The land immediately south of Blair Avenue was allocated for education provision and has been developed with schools. Immediately to the east of the schools is the main commercial and shopping centre for Ingleby Barwick.

38. It is recognised that the Ingleby Barwick Master Plan (Revised 1991) and which therefore pre-dated the local plan, indicated the areas between residential areas, including this site as 'Local Open Space System' and that the draft Open Space Audit identifies the area as part of the Blair Avenue Green Corridor. It should be understood, however, that neither of these documents provide statutory protection for the area. The more recent document, the open space audit is only a research study intended to inform the preparation of a Supplementary Planning Document on open space provision to be prepared as part of the Local Development Framework process. Additionally, only a relatively small part of the area is proposed for development. The rest of the land will act as an open land buffer between development with potentially additional tree planting recognising policy EN11 wherein tree planting is encouraged as part of the Community Forest initiative. The open space issue is also further discussed below.
39. The proposal includes an extra care nursing home, which is a C2 use in the Use Classes Order. Policy HO8 states such uses (Residential Institutions) will be permitted in a mainly residential area within easy reach of public transport, shopping and other community facilities. The location of the site conforms with the requirements of policy HO8 in relation to its being in a mainly residential area. Besides the land allocated for housing to the north of the site there are occupied housing estates to the west at Snowdon and Cradoc Groves and occupied or under construction to the east of Myton Road. The site is also within a 100-200m walking distance of the main shopping, commercial and community facilities for Ingleby Barwick with a pedestrian crossing to Blair Avenue. The site is on bus routes and there is a public bus stop with pull in lay-by level with the site on Blair Avenue. The location satisfies the criterion in terms of its location relative to transport links and shopping/community facilities given its position close to the Myton Centre.
40. The private medical building was originally described as being for the Primary Care Trust. This is the application description approved on appeal under application 06/3752/OUT. It would appear that the building is not specifically required by the PCT and is to be leased to a consortium of doctors, consultants and other related medical professions instead who wish to have a presence in the area. It is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery. Nevertheless, with the growing population additional health related facilities may well be required and the site is well positioned in terms of links to local centre as well as public transport for it to attract such uses. Noting the lack of any locational policies with regard to the siting of such facilities it is considered that the site is a sustainable location and in this accords with Planning Policy Statement 1.
41. A number of objectors have claimed that the uses proposed in the development are not needed within the Ingleby Barwick whilst others have stated that they would prefer a community centre for young and old. The provision of the uses proposed is largely a commercial decision and are not of the type that are required to demonstrate need as part of the planning process. Nevertheless, it is recognised that there is continuing demand for private nursery provision and extra care homes. Also, as stated earlier, whilst it is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery, with the growing population additional health related facilities may well be required and the site is well positioned in terms of links to local centre as well as public transport for it to attract such uses.

42. When proposed as a PCT building the details showed a pharmacy occupying part of the ground floor although that is not a use of space in the current proposed plans. There is concern that a pharmacy in a private medical building would compete with chemist shops in the area. Unless a small incidental use to the main medical activities a pharmacy would be a change of use requiring planning permission so the Council would retain control over its future use.

Traffic, Access and Highway Safety

43. One of the major concerns of the local ward member, Ingleby Barwick Town Council and residents is the potential adverse traffic impact. It is feared that the development will exacerbate existing congestion problems in Ingleby Barwick and reduce highway safety through increased traffic. The applicant in support of the current application has provided an updated Transport Statement and a draft Travel Plan Framework.
44. Taking the existing situation that there is permission in Outline following consideration of these matters at appeal it would have to be shown that the proposed development is significantly different or that other circumstances had radically changed for there to be a justification for refusing the application on highway grounds. The size of the nursing home and medical building are the same as approved on appeal and that appeal decision is only 14 months old. The Transport Statement concludes that "Comparing the previously agreed vehicular trip generation from the Transport Assessment Report prepared in 2006 with the vehicular trips generated from the calculations detailed in this report, there are less vehicular trips associated with the current proposals." Furthermore the current application is supported by a Travel Plan Framework which if applied would seek to introduce measures to reduce the trips to be made by private car in favour of public transport, cycling and other means of transport.
45. A condition is proposed to ensure that the individual Travel Plans are implemented taking into account the specific comments of the Head of Technical Services. These comments relate to the appointment of the Travel Plan Co-ordinator one month prior to opening of the site in order for actions to be put in place in time for staff starting; car sharing bays marked out; information to employees on the Tees Valley 'lift share' site – 2Plus Travel so they can register; new staff to be provided with travel information packs; and that the Action Plan has SMART targets.
46. The Travel Plans will provide information for employees and visitors on sustainable modes of transport and include information such as bus timetables. The Travel Plan will also provide incentives for travelling to the site by cycle, such as cycle parking, shower facilities for staff and bus passes for employees. Car sharing schemes will also be considered, including details of how the scheme will operate. The plan will also include details of targets and how travel behaviour will be monitored.
47. The Head of Technical Services has confirmed that the revised Transport Statement has been carried out to the latest guidance and is acceptable. The trip rates and traffic flows relating to morning peak hour are 26 arrivals, 11 departures and afternoon peak hour 20 arrivals and 24 departures and this is acceptable. Current 2 way traffic flows in the area are morning peak 738 and evening peak 1055 vehicles. The local member has disputed the bus services going along Blair Avenue but it remains that the site is served by the X6 and 17 bus services, with bus lay bys and shelters in place adjacent to the site.
48. The site is opposite a primary and secondary school and if an issue of parental parking in the car parks arises then that will need to be managed by the developer. There are

cycleway and footpath and a toucan crossing on Blair Avenue which assist children in not using the car to access the schools. These cycleways and footpaths linking the site with the District Centre and housing areas will also assist residents and visitors access the proposed development.

49. There have been two accidents causing slight injuries in the last three years. Both accidents involved a collision of two vehicles. They are fully described in the Transport Statement and it is not expected that this development would adversely affect highway safety. The evidence does not support the objector's argument that the pedestrian safety of school children will be endangered by the traffic generated by the proposed development as being an overriding reason for refusal. The consultant has examined road accident data for the area and concluded there are unlikely to be any safety issues associated with the development. Again the Head of Technical Services has not raised any concerns over highway safety.
50. At the appeal into the Outline application 06/3752/OUT the Inspector at the time found no basis to dispute the evidence in the 2006 Transport Assessment that the scheme would be "traffic neutral". I.e. a development in which no significant numbers of additional traffic will be introduced onto the existing road network taking into account the previous permission that already existed for development on the site by application 03/2212/OUT for a 100-place nursery and a community centre. The Head of Technical Services has confirmed that the development is less than traffic neutral provided that the Travel Plan requirements are satisfied. Accordingly it is considered that the proposal will not increase predicted future traffic levels and therefore not exacerbate traffic congestion in the area.
51. The site layout plan indicates 57 car parking spaces, including 5 disabled parking spaces. This level of car parking is acceptable to the Head of Technical Services and is a figure arrived at by the proposed nursing home – 18 and private medical centre – 29 and also the future provision necessary for the nursery – 10 which is not part of this application. The car parking levels are a concern of objectors. However, the car parking levels have been raised since the submission of the original layout. The car parking spaces is in accordance with the Council's SPD3 for new developments and acceptable to the Head of Technical Services.
52. As set out by the Head of Technical Services, the access arrangements and visibility splay are in line with the approved outline application. The cycle parking indicated should be covered and secure and this is required by condition. The internal layout is also acceptable and pedestrian routes are clearly defined so that they can adequately manoeuvre around the site. A drawing with the Transport Statement (No N9003/TC/001) indicates that servicing can be safely accommodated within the site. A condition requiring refuse collection including provision for recycling to be managed within the site is recommended.
53. The plans show that the vehicular access is in the same position as previously approved onto Blair Avenue. The position of the access and the visibility splays are in line with the approved outline and are satisfactory from the highway standpoint. Cycle parking and bin storage areas are indicated on the drawings. A condition is recommended to ensure that the cycle parking is covered and secure. The internal layout is acceptable and pedestrian routes are clearly defined and considered to be acceptable. A drawing has been included within the Transport Statement (No N9003/TC/001) that indicates that servicing can be safely accommodated within the site.

54. Other highway safety concerns raised by residents such as the position of the existing bus stop are noted but are not considered to change the view that the development is not detrimental to highway safety.
55. The development as proposed is now judged to be less than traffic neutral and does not raise any highway safety concerns. Furthermore it not considered that the development will not increase predicted future traffic levels or exacerbate traffic congestion in the area.

Impact on the appearance and character of the area

56. The development site is approximately 0.7 hectares which is already subject to approval for development. The site adjoins an open area of some 2.2 hectares which is unaffected by the proposal and has some new planting which appears well established. The proposed site plan shows that the buildings and hard surfaces would allow the retention and supplementing of the hedgerow trees to the north and east boundaries. Additional planting zones would enclose the site on the western and southern boundaries. The Head of Technical Services Landscape advice is that the site layout is acceptable and it is recommended that landscaping conditions be applied to ensure that the existing trees are protected and new planting is established.
57. The planting of more trees would be in accordance with policy EN11 which aims to create the Tees Forest. Further tree planting secured as part of the landscaping of site would support the aims of creating the Tees Forest and conditions are recommended as part of a planning approval.
58. The proposal does involve the undeveloped strip of land north of Blair Avenue which is identified in the draft Open Space Audit as part of the Blair Avenue Green Corridor extending to nearly 3 hectares. As stated above the document does not have statutory status at this time but nevertheless objectors would like to this site retained as open space. The site area is less than 0.7 hectares which has permission for development. Furthermore it is private land and although unfenced from Blair Avenue there are no public rights of way across it or other rights for the public to use it. In the circumstances it is not considered that a refusal on the basis of the loss of open space can be sustained.
59. The existing trees would not be lost as feared by some objectors and the additional tree planting would help in a very small way to global warming and CO2 emissions. The comment that there is a lack of parks in Ingleby Barwick is noted but these are being provided by or on behalf of the Council. The hedgerow trees alongside the Myton Road footpath/cycleway route would be protected and supplemented by the scheme along Blair Avenue by the recommended conditions.
60. The plans with the application indicate a part two part three storey nursing home and a two storey medical building. The three storey part of the nursing home would run north to south with the main entrance facing the internal access road to the west. The rear would face onto private gardens and Myton Road to the east. The two storey sections would form wings at either end projecting different lengths into the site on the western side. The main mass of the building would therefore face Myton Road, a local distributor road. The nearest housing to the east is three storey flats and town houses at the site under construction at Broomwood. Relatively short sections of the three storey building would face onto Blair Avenue or the land to the north. The area being the core service area for Ingleby Barwick is characterised by larger scale buildings such as the schools opposite the site and the supermarket at the Myton Centre. However, to control the full impact of the building a condition is proposed requiring levels to be agreed.

61. The materials for the nursing home are proposed to be buff facing brick with sections of smooth white render and brown interlocking roof tiles. The medical building would have buff facing brick work and larger areas of smooth white render and sections of glazed curtain walling under a flat roof. These materials would harmonise with the appearance of the school buildings and the nearest flats and houses and emphasise the character of this part of Ingleby Barwick. The design of the development would provide an attractive outlook as required by Policy HO8 relating to residential institutions.
62. It is considered that the layout, form, design and materials would be appropriate to the location of the development.

Residential Amenity and Privacy

63. There are existing housing areas some 200m to the west at Snowdon and Cradoc Groves and housing at Broomwood under construction some 80m to the east whilst there is allocated housing land closer to the north of the site. The proposed development would not be close enough to adversely affect the amenity and privacy of any existing residential property. An objector is concerned that the massing of the nursing home would have on any future housing development to the north. A detailed or full application has not been received for this land and the layout and design of any future housing estate to the north could be in accordance with separation distance standards.
64. The Environmental Health Officer is concerned that there may be noise disturbance of nursing home residents in their bedrooms or living areas from adjacent road traffic. This would be traffic on Blair Avenue and Myton Road. It is recommended that a condition be imposed that any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be approved. Also that to prevent construction noise affecting residential areas that a condition be attached controlling the timing of all construction operations including delivery of materials on site.
65. The nursing home would be surrounded by the existing hedgerow trees and new planting along the Blair Avenue frontage. There is space around the building for use as gardens for the residents. On the rear eastern side this would be a private garden area screened by the existing and proposed planting to provide secure and sheltered sitting areas as required by policy HO8. More limited sitting areas would be available to other sides of the building. There is space to the western side of the building for sitting out areas to either side of the entrance for residents and visitors who prefer to view more activity. The layout has essentially been based on the indicative outline plan approved on appeal for this size of nursing home under application 06/3752/OUT.
66. The layout shows secured and sheltered sitting areas around the building and subject to the proposed conditions there should not be any adverse impact on residents, existing or future neighbours.

Other Residual Matters

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

68. The Environmental Health Officers have raised concerns in respect of grease from the kitchen / café areas entering the public sewers. A condition is proposed to ensure that suitable grease traps are provided in the drainage system.
69. The Environmental Health Officers also want controls in the event that there is any unexpected land contamination found during construction. At the time of the 06/3752/OUT appeal the Inspector considered such a condition not to be necessary or reasonable.
70. An objector has questioned the application on procedural matters. The application has been made on the appropriate forms and plans and documents have been submitted to support it. The name of the applicant has not changed as is alleged by an objector. The application was made by Mr Singh for Sandstone Development the company name. The replacement notices under Article 6 were signed by the architect acting as agent, as they are entitled to do on behalf of the company.
71. The objector is right that there is no provision in planning law to change the boundaries of a site, other than for minor access details. That is why when the site boundaries were enlarged by the applicant several times from the original 0.66ha to 0.689ha (which is the size of the site with outline approval under 06/3752/OUT) each time the application was re-validated. All public notices and neighbour notifications were carried out and statutory undertakers were re-consulted as if for the first time. Other than in site area the nature and extent of the development has not been changed the application is for the development in the original description. The application as made is therefore as validated on 5 February 2009 and not as originally made on 9 October 2009. The application has been made 'afresh' even though it has retained the original application reference number.
72. It is legal under planning law to make an application when you do not own the land as long as the correct notices have been served on the owners. The applicant has served notice on the Council as the application site includes a new access onto public highway land. They are therefore entitled to make the application.
73. Other matters such as impact on property values and the development is only profit motivated are noted but are not material to the planning decision.

CONCLUSION

74. In conclusion it is considered the application site is a sustainable location in accord with Planning Policy Statement 1 and Local Plan policies GP1 and HO8. The outline and reserved matters planning permissions granted in 2004 and 2008 have established the principle that the site is appropriate for development. Additionally it is noted that the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. Furthermore, the proposal only seeks to develop a relatively small part of the area north of Blair Avenue which is included in the Open Space Audit. However this document does not have any statutory status.
75. With regard to the traffic and highway concerns it is noted that the Head of Technical Services accepts that development is less than traffic neutral and has not raised any highway safety concerns. This scheme unlike previous approvals is supported by a Travel Plan Framework which if implemented should reduce the traffic impact below the levels of those schemes previously approved. Accordingly it is considered the proposal will not increase predicted future traffic levels or exacerbate traffic congestion in the area. The access position, sight lines and parking provision are satisfactory and the scheme accords with policies GP1 and TR15.

- 76. Allegations that the uses proposed are not necessary or a duplication of existing are largely commercial considerations and are not material in this case to the planning decision.
- 77. Other issues such as massing, layout, landscaping, design, noise and pollution have all been considered and the scheme accords with Local Plan policies GP1, EN11, HO8 and TR15. The concerns of residents are understandable but as with all planning applications the decision has to be made on its land use planning merits informed not only by the concerns of local residents but also statutory bodies, established planning policy as well the principle set by the appeal decisions granting previous planning permissions. It has to be recognised that the site is in a sustainable location in relation to the existing Myton local centre which provides a variety of community facilities. This development will form part of the hub of development at the heart of Ingleby Barwick that will be beneficial to the wider community.
- 78. Accordingly, on balance it is considered approval can be recommended subject to appropriate planning conditions to secure necessary controls over the development.

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

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Bishop Telephone No 01642 527310**

WARD AND WARD COUNCILLORS

**Ward Ingleby Barwick West
Ward Councillor Councillor K Dixon**

**Ward Ingleby Barwick West
Ward Councillor Councillor R Patterson**