

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

17 March 2010

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

09/3028/COU

**Leven Vale Dental Practice, Low Lane, High Leven
Application for permanent change of use to Dental practice**

Expiry Date 11 February 2010

SUMMARY

Planning consent was originally granted for a dentists surgery on a temporary basis of 3 years (ref no 06/3664/FUL) on the basis of the acute need for an NHS dentist within Ingleby Barwick area at that time and to allow time for alternative, more sustainable sites to be found. The applicants were advised on the granting of this temporary consent that the Local Planning Authority would not support any future application on this site due to the unsustainable nature of the site. However, an application for a permanent change of use of the existing building to a Dental Surgery (for NHS Patients) at Leven Vale Dental Practice, Low Lane, High Leven has now been submitted.

15 letters of support and 5 petitions (containing a total of 580 signatures) of support have been received following public consultation of the application. 1 letter of objection has been received to the proposed scheme. In accordance with the approved scheme of delegation, the application is being reported to the Planning Committee for determination, as more than 5 letters of support have been received contrary to the officer recommendation.

It is considered that the proposed development is in an out-of-centre location for which there is no adequate justification and the proposal would create an unsustainable form of development. The site is not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site.

RECOMMENDATION

Planning application 09/3028/COU be Refused and the Director of Law and Democracy be authorised to instigate all necessary legal action to cease the unauthorised use for the reason specified above.

01. In the opinion of the Local Planning Authority the permanent use would be in an unsustainable location and it would place a high reliance on the private motor car taking into account the limited provision of bus services and suitability and attractiveness of the surrounding highway network for walking and cycling, thereby being contrary to Saved Policy GP1 of the Stockton on Tees Local Plan and the guidance of PPS1: Delivering sustainable development, PPS 4: Planning for Sustainable Economic Growth, Planning Policy Guidance 13: Transport, The North East of England Plan Regional Spatial Strategy Policies 2 and 4.

BACKGROUND

1. **06/3664/FUL**; Temporary planning permission was granted on 5th February 2007 for a change of use of a storage and tack room building to a dental surgery (for NHS patients) at The Vale, Low Lane. This planning permission was granted **only** on the basis of an acute need at that moment in time for a dentist within the Ingleby Barwick area and to allow time for alternative, more sustainable sites to be found.
2. The applicant, agent and NHS Trust were made aware at the time that this was a one-off approval due to the acute need and that any application for further temporary use of permanent use of the site in the future would be resisted. The applicant was also asked for an annual report of the searches conducted to be submitted to the Local Planning Authority.
3. Several letters have been sent to both the applicants and the acting agents, including letters sent in both February and December 2009. No reports of any alternative sites were provided until the submission of the current planning application, despite the requests within the above mentioned letters being sent to the surgery.
4. **99/1878/P**; The storage and tack room building currently present on the site and to which this application relates was granted approval on the site on 15th January 2000.

PROPOSAL

5. Planning consent is sought for a permanent change of use of the existing building to a Dental Surgery (for NHS Patients). The suggested working hours are from 08.30 to 17.30 with opening works of 9-5 and will provide approximately 190 sq metres of floor space.
6. The submitted proposed plans and Design and Access statement indicate that the internal layout of the dental practise has been altered from the plans approved as part of the original temporary approval (reference 06/3664/FUL, plan reference SN/06/022/03). The layout has been amended to facilitate the addition of a third surgery, 1 medical room, and x-ray room.

CONSULTATIONS

7. The following Consultees were notified and comments received are set out below:-

Councillors

8. No comments received

Acting Head of Technical Services

Urban Design

General Summary

9. Urban Design has no objections.
10. Concerns previously were the lack of curtilage parking in relation to the number of staff at the practice.
11. Further information has been received, it is noted that there would be 3 dentists, 3 nurses, 1 admin assistant and 1 student at the practice at any given time. The revised parking plan has been reviewed and the requisite 16 parking spaces have been provided to Design Guide standard.

12. There are concerns that this site is not sustainable, Low Lane has a substandard width footway running along its northern side and it is felt that this is not an attractive route for pedestrians to this site. A1044 Low Lane is a 50 mph principal classified road with approximately 11,000 vehicles per day using it. Due to the increase in patient numbers it is considered that there will be an intensification of vehicular traffic at this junction with A1044, Low Lane. Despite being requested the applicant has not supplied travel survey information detailing the origin and travel mode of existing staff and patients. It is therefore felt that due to sustainability issues a permanent change of use for this site as a dental practice cannot be supported.

Landscape & Visual Comments

13. No comments.

Spatial Plans Manager

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise. In this case, the relevant development plan is the Stockton on Tees Local Plan
15. The application site is located within an area of land identified as Green Wedge and Policy EN14 should be applied:
16. Within the following Green Wedges, development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the Green Wedge.
(c.) Bassleton Beck Valley between Ingleby Barwick and Thornaby.
17. It is considered that the application would be in line with the above policy as it involves the reuse of an existing building and will not be visually obtrusive. Policy EN20, relating to the conversion, adaptation and reuse of rural buildings, and Policy GP1 also apply to this application.
18. Planning Policy Guidance Note 13: Transport places a strong emphasis upon supporting sustainable development by reducing the need to travel and making it easier for people to access services by public transport, walking and cycling. It states that, in considering planning applications, Local Authorities should locate day-to-day facilities, which need to be near their clients, in local centres so that they are accessible by walking and cycling. They should also ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling.
19. Planning Policy Statement 1: Delivering Sustainable Development further outlines the importance of achieving sustainable forms of development and also places emphasis on the need to reduce the reliance on travel by private motor vehicles by increasing opportunities for travel by other means.
20. The application site is located approximately 2 km from Ingleby Barwick Local Centre, as identified with policy S1 of Alteration 1 to the adopted Local Plan. This gives little opportunity for linked trips and consideration should be given to the sustainability of the site and its accessibility by walking and cycling.
21. The planning statement has included a small assessment of available properties. I question the thoroughness of this study, as a recently available unit within the Beckfields centre has not been assessed. Furthermore, it is considered that the area of search could be widened to include Thornaby District Centre.

22. The Adopted Local Plan policies referred to above are relevant until they are replaced by the adoption of the Local Development Framework.

Council for the Protection of Rural England

23. No comments received.

Ingleby Barwick Town Council

24. Ingleby Barwick Town Council has no objection in principle to a dental practice, however the proposal is located in designated 'Green Wedge'. It is noted that although permission was previously granted this was only temporary in order to allow for more suitable and sustainable sites to be found. Concerns are raised that if the application was approved this would set a precedent for possible further development of this area.

PUBLICITY

25. Neighbours were notified and 15 letters of support have been received from No's 4 and 5 Blenheim Court, Rainham Close, 36 Talbenny Grove, 39 Rochester Court (all Ingleby Barwick), 6 Darlington Road Stockton-on-Tees, 41 Loweswater Crescent Stockton-on-Tees, 12A Preston Lane Stockton On Tees, 27 Sycamore Road Eaglescliffe, 6 Greens Valley Drive Hartburn, 205 Thornaby Road, 16 Stanley Close (both Thornaby), 33 West End Osmotherley, 3 Stokesley Road Nunthorpe and 110 Manor Farm, Coulby Newham. These letters of support can be summarised as follows;

- The site is easily accessible, in a good location with good parking facilities
- The site provides an excellent location and facilities for disabled users
- The site is at a minimum walking distance to properties in Ingleby Barwick
- The site can be accessed by footpath

26. In addition to the 15 letters of support, 6 petitions of support have been received containing a total of 736 signatures.

27. 1 letter of objection has been received from 5 Beech Grove, Maltby who object to the proposal on the following grounds;

- The application site is contrary to policy EN 20 as the proposal will lead to a 'cumulative erosion' of the green wedge
- The approval of this application would set a negative precedent for further development in this area
- The investigation into alternative sites does not appear to be continuous or conclusive
- Many of the signatures on the submitted petition are of people located outside of the Borough and this is therefore unsustainable in terms of carbon emissions.
- The proposal should be located to a main centre or urbanised area.

PLANNING POLICY

28. 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 Saved policies of the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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

Policy GP1

30. 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 EN14

31. Within the following Green Wedges, development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the Green Wedge.

- (a) River Tees floodplain from Surtees Bridge, Stockton, to Yarm;
- (b) Leven Valley between Yarm and Ingleby Barwick;
- (c) Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- (d) Stainsby Beck Valley, Thornaby;
- (e) Billingham Beck Valley;
- (f) Between North Billingham and Cowpen Lane Industrial Estate.

Policy EN 20

32. The conversion, adaptation and re-use of rural buildings for commercial, industrial, tourism, sport and recreational uses will be permitted providing that:

- (i) The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding; and
- (ii) Any alterations or extensions are limited in scale, and do not adversely affect the form and character of the existing building, and
- (iii) There is no adverse effect on the character of the area; and
- (iv) Where the building has been constructed under permitted development rights, it has been legitimately used for agricultural purposes; and
- (v) Access, manoeuvring space and parking provision for the new use can be accommodated without being intrusive; and
- (vi) There is no adverse effect on any safe refuge of protected species such as bats or barn owls.

Other material planning considerations include;

33. Planning Policy Statement 1: Creating Sustainable Communities (PPS1)

34. Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS 4)

35. Planning Policy Guidance 13; Transport

SITE AND SURROUNDINGS

36. The application site is known as the Vale and is situated to the south-east of Ingleby Barwick. The original storage/tack room building has been converted into the dental practise.

37. An area of hardstanding is present to the front (south) of the site with provision for 16 car parking spaces. The site lies adjacent to Strathmore, Bluebells and Lowfield, access to the premises is via Low Lane (A1044).

MATERIAL PLANNING CONSIDERATIONS

38. The main planning considerations of this application are the impacts on planning policies, character of the area, amenity of the neighbouring properties and access and highway safety.

Principle of development,

39. Given the nature of the proposed development regard is given to a range of national, regional and local planning policies. These are considered below;

National Context:

40. Planning Policy Statement 1: Creating Sustainable Communities (PPS1) outlines the need for achieving sustainable forms of development through urban and rural regeneration. Of particular relevance to this application is the focus of enhancing the vitality and viability of Town Centres by encouraging town centre developments in central locations, promoting vitality and social inclusion, while also maximising the opportunity to use modes of transport other than the car.
41. Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS 4) sets out planning policies for economic development as “the Government’s overarching objective is sustainable economic growth” (Para 10). In order to achieve sustainable economic growth, the Government’s objectives for planning include “delivering more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change.
42. PPS 4 also states that an objective for planning is to “promote the vitality and viability of town and other centres and important places for communities” with “new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities”. The policy also seeks to “raise the quality of life and the environment in rural areas...whilst continuing to protect the open countryside for the benefit of all”.
43. The policy defines economic development as development within “public and community uses and main town centre uses”. Whilst a dental surgery is D1 class use under the Use Classes (Amendment) Order 2005 and is not a town centre use, the use is considered to be a public and community use.
44. PPG13 sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. Transport places a strong emphasis upon supporting sustainable development by reducing the need to travel and making it easier for people to access services by public transport, walking and cycling. PPG13 states that, in considering planning applications, Local Authorities should locate day-to-day facilities, which need to be near their clients, in local centres so that they are accessible by walking and cycling. Local Authorities should also ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling

Regional Context:

45. The North East Regional Spatial Strategy (July 2008) sets out the broad development strategy for the North East. Policy 2 (sustainable development) sets out the overarching strategy for achieving the identified environmental, social and economic aims within the

North East, in accordance with PPS1. Policy 4 (The sequential approach to development) of the RSS advocates a sequential approach to the identification of sites for development, “recognising the need to make the best use of land optimise the development in sustainable locations” (RSS 2.21)

Local Context:

46. In terms of the adopted Stockton on Tees Local Plan the relevant policies to be considered are policies GP1 (General Principles), EN14 (Green Wedges) and EN20 (re-use of rural buildings).
47. The application site lies within the limits to development and also within a designated green wedge as identified in the Local Plan.
48. The supporting text for green wedges states ‘these open spaces maintain the separation of communities within the built-up area, and improve its appearance. They contain wildlife habitats and could accommodate outdoor sport and recreation uses. Certain green wedges, such as the Tees Valley, are also important for the views they provide of the countryside beyond the urban area. The uses considered appropriate within green wedges are those that ensure their open aspect is retained and require only limited built development, e.g. sport and recreation, stables, farming and market gardening’.
49. Green wedges are covered by policy EN14 which states that development will not be permitted which will detract from the open nature of the landscape, so as to threaten, by itself or cumulatively, the local identity of the areas separated by the green wedge. Given that the building is presently on site and no additional changes are proposed to the external appearance of the building it is considered that the proposed change of use will not have a significant detrimental impact on the visual appearance of the building or the overall character of the area. There will also be no significant impacts on the green wedge as an existing building is being utilised.
50. Policy EN 20 relates to the re-use of existing rural buildings, the internal alterations are all accommodated within the existing building and do not affect the character/external appearance of the unit. On balance the scheme is judged to be in accordance with saved policies EN14 and EN 20 of the adopted Stockton on Tees Local Plan. No objections have been received from the Council’s Landscape Architect.

Policy Assessments;

51. In consideration of the application, reference is given to all of the above policies. Supporting information has been provided to highlight the need of the surgery for NHS patients within the immediate area and also to demonstrate the current lack of available sites to house the dental surgery within the Ingleby Barwick defined centres as well as Thornaby and Preston Farm Industrial Estate. It is acknowledged that 6 petitions and 15 letters of support that have been received for this application, which reflect the popularity of the surgery. The representations of support refer to the excellent care facilities and staff at the surgery. The support also refers to the excellent parking facilities and location of the site.
52. Within the submitted Design and Access statement, the applicant’s agent has commented that the requirements of the dental surgery are “for premises of about 200 sq m, with disabled access, close to their core catchment area of Ingleby Barwick”.
53. The submitted list of ‘vested sites’ cite reasons such as ‘too small’, ‘too large’, ‘too expensive’ and ‘wrong location (for patients)’. Whilst the submitted supporting information by the applicant’s agents has been acknowledged, the submitted ‘sequential’ list of

proposed sites within these areas fail to identify specific units and provide no site-specific reason for the sites being inadequate other than the generic responses above.

54. Furthermore, the Head of Regeneration has provided details of 6 available units within Thornaby Town Centre, which range in floor space from 96.7 sq m² (Unit 10 Wrightson House), to 221 sq m² (Unit 4, Block A, Wrightson House), which were available as of mid February 2010.
55. With regard to available sites within Ingleby Barwick, whilst it is acknowledged that only 1 is currently available within the Beckfields shopping parade (No 4) and does not meet the floor space requirements as noted above (70 sq m²), this unit has not been assessed as part of the submitted sequential list, and has been available for the past 18 months. The only reference to available units within Beckfields relate to the unit (no specific address) being 'not available'.
56. (Details of the available units within Ingleby Barwick and Thornaby Town Centre are attached as an appendix to this report).
57. In addition, information has been provided by the Council's Public Transport Manager with regard to current public transport provision within vicinity of the application site. The Public Transport Manager has commented that the only stops within a reasonable walking distance are those on Low Lane near Oaklands Cottage (36m to the south west of the site entrance) whilst the nearest bus stops located within Ingleby Barwick are located approximately 600m from the site. Whilst these distances are not considered to be excessive, they lessen the case that this is a sustainable location. The only bus service that uses these stops is the two-hourly 507 service, which is a council supported bus service. He has further commented that 'access that is only through a two-hourly bus service would be inadequate in terms of making healthcare facilities accessible by public transport' whilst he has also noted that to increase the frequency of this service (which currently operates at a cost of £70,000 to Stockton Council) to an hourly service 'would not be a financially viable option'.
58. It is therefore considered that the permanent change of use to a dental surgery would conflict with the key elements of the above policies in trying to achieve more sustainable forms of development and reduce the dependence on the private car. Whilst it is acknowledged that there is an acute need for an NHS dental surgery within Ingleby Barwick and that at present there are no available sites within this location, it is considered that the submitted 'sequential' list of proposed sites within these areas provide no site-specific reason for the sites being inadequate and the applicant has therefore failed to demonstrate that a more suitable location is available.

Character of the area;

59. Given that the building is presently on site and no additional changes are proposed to the external appearance of the building it is considered that the proposed change of use will not have a significant detrimental impact on the visual appearance of the building or the overall character of the area. There will also be no significant impacts on the green wedge as an existing building is being utilised.
60. Policy EN 20 relates to the re-use of existing rural buildings, the internal alterations are all accommodated within the existing building and do not affect the character/external appearance of the unit. On balance the scheme is judged to be in accordance with saved policies EN14 and EN 20 of the adopted Stockton on Tees Local Plan.
61. No objections have been received from the Council's Landscape Architect.

Amenity;

62. The site is situated an adequate distance from the neighbouring properties and also given the opening/working hours for the development proposed/currently in operation, it is viewed that any impacts on the amenity of the neighbouring properties would not be so significant so as to justify a refusal of the application.

Access and highway safety;

63. The Acting Head of Technical Services has commented that the submitted revised parking plan, which indicates that the requisite 16 car parking spaces can be achieved to Design Guide standard and therefore the scheme will not lead to a loss of highway safety in terms of parking provision.
64. The Acting Head of Technical Services has further commented that Low Lane has a substandard width footway running along its northern side and considered that this is not an attractive route for pedestrians to this site. A1044 Low Lane is a 50 mph principal classified road with approximately 11,000 vehicles per day using it. The Acting Head of Technical Services has commented that the increase in patient numbers along this highway will be an intensification of vehicular traffic along Low Lane, and that the applicant has failed to supply a travel survey detailing the origin and travel mode of existing staff and patients. He has therefore recommended that a Travel Plan for the site be submitted. This is considered to be acceptable and could be secured by planning condition.
65. The Acting Head of Technical Services concludes that this application is not supported but no objection is raised on Highway grounds as the appropriate parking is achieved and that any additional trips will not have a material impact on the local highway network.

CONCLUSION

66. The proposed use is one which planning policy would normally require being located within a sustainable location and preferably a defined centre where grouped trips and adequate public transport opportunities are available and where it will contribute to the vitality and viability of the centre.
67. The proposed development is clearly in both an out-of-centre and unsustainable location for which there is no adequate justification. The site is not considered to be well served by public transport and the nature of the use and nature of the surrounding highway network would place a heavy reliance on the private motor car for the majority of trips to the site.
68. In view of the above it is considered that the proposal is contrary to Saved policy GP1 of the Stockton on Tees Local Plan, Regional Spatial Strategy Policies 2 and 4 and National Planning Guidance in the form of PPS1, PPS 4 and PPG13. The application is therefore recommended for refusal.
69. It is also considered expedient to authorise Enforcement Action, to cease the use of the unauthorised development, and that the land be restored back to its original condition before the current use was implemented.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551

IMPLICATIONS

Financial Implications: As report

Environmental Implications: As 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:

Planning Policy Statement 1: Creating Sustainable Communities (PPS1), Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4).
Planning Policy Guidance 13: Transport

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick East
Ward Councillor	Councillor K C Faulks
Ward Councillor	Councillor D C Harrington
Ward Councillor	Councillor A M Larkin