

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 August 2010

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

10/1370/VARY

**Proposed Primary Care Centre And Pharmacy, Finchale Avenue, Billingham
Application to vary condition 2 No (approved plans) of 09/1418/FUL (New Class D1 Primary
Care Centre and Class A1 Associated Pharmacy).**

Expiry Date: 26 August 2010

SUMMARY

The application site is situated to the north of Billingham Town Centre and lies immediately to the west of Finchale Avenue in Billingham, and forms part of the Former Billingham Technical College running track/sports field.

Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application. The main change to the scheme is that the floor space of the building has been reduced by just over 425 sqm to 2197 sqm (from 2624 sqm). The resultant effect is that several changes have been made to the scale and external appearance of the building.

12no. objections have been received, raising concerns in relation to the position of the access, parking issues, increased congestion and the loss of recreational land.

The application site is within easy walking distance of Billingham Town Centre and is well served by a range of transport means. Whilst the proposal will result in the loss of the former running track, it is within private ownership and significant funds will be provided to improve and enhance existing playing fields elsewhere in Billingham. Sport England are satisfied that this is an acceptable mitigation approach, subject to the developer entering into a revised section 106 agreement to secure the required heads of terms.

The variation reduces the overall scale of the development and maintains the previously approved modern design with the use of materials complementing the more traditional materials elsewhere in the surrounding area. The development is also considered not to have any significant impacts on existing levels of residential amenity, highway safety, public safety or protected species.

RECOMMENDATION

Planning application 10/1370/VARY be Approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions:

In the event of the legal agreement having not been signed prior to the 26 August 2010 that the application be refused.

Conditions

- 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>SBC001</i>	<i>27 May 2010</i>
<i>1619-P-22-001-1</i>	<i>25 May 2010</i>
<i>1619-P90-002-1</i>	<i>26 May 2010</i>
<i>1619-P-90-003-1</i>	<i>26 May 2010</i>
<i>1619-P-22-002-1</i>	<i>26 May 2010</i>
<i>1619-P-22-004-1</i>	<i>26 May 2010</i>
<i>1619-P-20-001-1</i>	<i>26 May 2010</i>
<i>1619-P-20-002-1</i>	<i>26 May 2010</i>

Reason: To define the consent.

Materials;

- 02** ***Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).***

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

Drainage;

- 03** ***Before the occupation of the development hereby permitted, works for the disposal of surface and foul water shall be provided on the site to serve the development. Details of such drainage works shall first be submitted to, and approved by, the Local Planning Authority; the sewage disposal shall be completed in accordance with these approved details.***

Reason: To ensure satisfactory means of water disposal.

Hard Landscape works;

- 04** ***Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings, public art and street furniture).***

Reason: In the interests of visual amenity.

Soft landscaping works;

- 05** ***Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting shall be submitted to and***

approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species 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.

Landscape maintenance;

06 *Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.*

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

External lighting;

07 *Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.*

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

Means of enclosure;

08 *All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.*

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

Site and floor levels;

09 *Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.*

Reason: To define the consent

Construction Activity;

10 *No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).*

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

Unexpected land contamination;

- 11 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.**

Reason: To ensure proper restoration of the site.

Refuse and recycling;

- 12 Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of a scheme for refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.**

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.

Access arrangements;

- 13 Notwithstanding the details submitted as part of this application full details of the proposed access arrangements into the site shall be submitted to and agreed in writing with the Local Planning Authority. The access shall be constructed in accordance with these agreed details, prior to the occupation of the hereby approved development.**

Reason: In the interests of highway safety

Travel Plan Framework;

- 14 Prior to the commencement of the development an amended Travel plan Framework shall be submitted to and approved by the Local Planning Authority. The approved travel plan framework shall be used to inform a detailed travel plan.**

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

Travel Plan;

- 15 Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures and actions of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.**

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

Restriction of use – Pharmacy only;

- 16 Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 and amendments, the proposed retail unit shall**

be used as a Pharmacy only, unless otherwise agreed in writing with the local planning Authority

Reason: To enable the Local Planning Authority to retain control over the development.

INFORMATIVES

The proposal is also considered to be in a suitable location, is visually acceptable and does not pose a significant risk to highway safety or the amenity of neighbouring occupiers. Appropriate mitigation has also been secured to replace the loss of playing fields. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

EN39 – Industrial or commercial development near a hazardous installation and REC1 – Outdoor Playing Space and Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Statement 9 and Planning Policy Guidance 17 and Core Strategy Document Policies CS2 – Sustainable Transport and Travel, CS3 – Sustainable Living and Climate Change, CS6 – Community Facilities, CS 10 – Environmental Protection and Enhancement and CS11 – Planning Obligations.

HEADS OF TERMS

A commuted lump sum of £126,000 towards the improvement and enhancement of playing field provision within the Billingham area.

BACKGROUND

1. The application site forms part of the former Stockton And Billingham College Site, with the former running track still visible on the site
2. More recently outline planning consent was granted for residential development including new vehicular access onto Finchale Avenue (app ref 06/1983/OUT). This was followed by a reserved matters application for residential development comprising of 176 no. dwelling houses (app ref 07/0858/REM), which was also approved. Work is now well underway on the site with many of the dwellings both constructed and occupied.
3. Members will also recall that a previous planning application for a similar development (Primary Care Centre and Class A1 Associated Pharmacy) on the site was approved subject to a section 106 agreement (app ref 09/1418/FUL).

PROPOSAL

4. Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to vary condition 2 (the approved plans) of the previously approved application.
5. The main change to the scheme is that the floor space of the building has been reduced by just over 425 sqm to 2197 sqm (from 2624 sqm). The resultant effect is that several changes have been made to the external appearance of the building (these changes are shown in detail within the appendices to this report).
6. The overall shape and positioning of the building remains largely the same as was previously approved and the access into the site also remains unchanged from Finchale Avenue. Also the car parking remains in front of the building with landscaping and mounding proposed to screen the car park from Finchale Avenue.

7. The proposed building layout remains within a T-shape, however the overall scale of the building has been reduced. The proposal is to measure a maximum of 53m (w) x 54 (L) and have a maximum height of 12 metres (previously approved dimensions were 56m (w) x 56.5m (l) and a maximum height of 15 metres). This is most evident by the reduction in height and a now single storey element along the rear elevation. Some other minor change have also taken place in terms of window openings

CONSULTATIONS

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

Councillors

No comments received

Acting Head Of Technical Services

General Summary

Technical Services have no objection to this application subject to the comments below.

Highways Comments

The previous approved layout is unchanged on this revised application and is acceptable in terms of car parking, cycle parking, manoeuvrability and refuse collection. The applicant will need to enter into a S278 agreement regarding the access arrangements from Finchale Avenue and the previous conditions regarding access arrangements and Travel Plan implementation should be included with this variation application.

All other highway matters were considered under the approved application 09/1418/ful and were satisfactory. There is acceptable junction spacing of approximately 60 metres between the site access and Tintern Avenue, the visibility splay is predominantly in adopted highway there is therefore no highway objection to this application.

Landscape & Visual Comments

The revised plan is acceptable from a landscape viewpoint and the landscape strategy has remained as the previous approved application.

Environmental Health Unit

No Further Comments

Sport England (summarised)

This application seeks to vary one of the approved plans for this development. Sport England's involvement in the previous approval on this site was to ensure that suitable mitigation was secured for the loss of playing field that was inherent in the proposal. The section 106 agreement that secured this mitigation is unaffected by this application to vary condition 2 and therefore this development still meets the exceptional circumstances.

This being the case Sport England does not wish to raise an objection to this application.

Waste Management

Waste and recycling has been considered and a bin store has been proposed to house the waste containers. Due to this there are no further comments from Waste Management.

Stockton Police Station - Eddie Lincoln

No comments received

Primary Care Trust

No comments received

Northern Gas Networks

No objections

Billingham Town Council

Billingham Town Council does not have any objections to this proposal.

PUBLICITY

9. Neighbours were notified and any comments received are below (in summary): -

Audrey Dutton - 6 Finchale Avenue Billingham

Agrees with comment made by no. 12. Also considers the entrance would be better with a mini-roundabout on similar at the junction with Tintern Avenue. Also raises concerns that the lay-by outside no.'s 6/8 will be used to park cars.

Owner/Occupier - 8 Finchale Avenue Billingham

Agrees with objection regarding access to the surgery. Makes reference to double parking and traffic along Finchale Avenue being a safety issue.

Owner/occupier -10 Finchale Avenue Billingham

Agrees with no. 12 regarding the access to the surgery.

Tim And Linda Stephenson - 12 Finchale Avenue Billingham

Have no objection in principle to the surgery being built although wished the site was left as a green field. Have significant concerns over the access and increases in traffic and problems it may cause reversing off the drive. Concerns are also raised with reference to parked cars given a number of properties have no off-road parking.

Consider access from the Causeway, or; adjacent to the new houses, or a roundabout adjacent to Tintern would be more suitable than proposed.

Ben Stephenson - 14 Finchale Avenue Billingham

Agrees with points raised by neighbours at No.12 and 18 Finchale Avenue. Also raises concerns over flooding as the bend in the road floods in bad weather.

A C S Gallacher - 18 Finchale Avenue Billingham

Objects to the car park entrance coming off the avenue due to it being a potential hazard and to potential increases in traffic/parking problems. Also raises concerns over the loss of the green field.

Mrs Janice Haswell - 22 Finchale Avenue Billingham

Raises concerns in relation to increases in traffic and queries whether any off road parking can be provided.

K Haswell - 22 Finchale Avenue Billingham

Agrees with Tim and Linda

T Crawford - 24 Finchale Avenue Billingham

'Agreed as number 12'

K Lowe - 28 Finchale Avenue Billingham

'As agreed by 12 Finchale Ave'

Mrs Ruth Lavin - 30 Finchale Avenue Billingham

Objects to the application as creating an entrance via Finchale Avenue will create a huge amount of traffic.

Mrs C P Welch - 32 Finchale Avenue Billingham

Concerns over increased traffic on a busy road and the types of patients that may be attracted to the site.

D McLinn - 13 Dunbar Road Billingham

Opposes building on the 'green land' as the land was gifted to the people of Billingham

PLANNING POLICY

10. 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 Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)
11. The following planning policies are considered to be relevant to the consideration of this application: -

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;

ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;

iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and

iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.

5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

_ River Tees Valley from Surtees Bridge, Stockton to Yarm;

_ Leven Valley between Yarm and Ingleby Barwick;

_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

- _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

- i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- ii) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy REC1

Development which would result in the permanent loss of playing space will not be permitted unless:

- (i.) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii.) Alternative provision of equivalent community benefit is made available, or
- (iii.) The land is not required to satisfy known local needs.

Saved Policy EN39

The expansion of existing industrial or commercial undertakings in the vicinity of hazardous installations will normally be permitted if it can be shown that additional people and buildings will not be placed at unacceptable risk because of the proximity of the installation.

Other relevant planning considerations;

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 4: Planning for sustainable economic growth

Planning Policy Statement 9: Biodiversity and geological conservation

Planning Policy Guidance 17: Planning for open space, sport and recreation

SITE AND SURROUNDINGS

12. The application site is situated to the north of Billingham Town Centre and lies immediately to the west of Finchale Avenue in Billingham, and forms part of the Former Billingham Technical College running track/sports field.
13. A new residential development lies to the south of the site, with John Whitehead Park and the residential properties of Finchale Avenue to the east. The remaining playing fields lie to the north and west of the site with further residential properties beyond.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations of this application are compliance with planning policies, the loss of existing playing pitch provision, the impacts of the development on the character of the area, landscaping features, the amenity of neighbouring occupiers, access and highway safety; public safety and protected species.

Principle of Development;

15. A similar development for surgeries and pharmacy (app ref; 09/1418/FUL) has been approved on the site, this permission remains extant and as there has not been any significant changes in planning policy, the principle of development is considered to remain acceptable subject to the relevant policies of the local plan and Core Strategy and the material planning considerations set out in this report.

Loss of Playing Field;

16. Saved policy REC1 of the Local Plan states that development which results in the permanent loss of playing space will not be permitted unless sports and recreation facilities can be retained and enhanced through the development of a small part of the site; or alternative provision of equal community benefit is available; or the land is not required to satisfy local needs. As part of the previous planning approval, development of this playing field was accepted on the basis that replacement facilities would be provided.
17. Whilst the concerns of the local resident with regards to the loss of the recreational area remain and are noted, Sport England have again considered the information and note that the application seeks to vary one of the approved plans for the previously approved development. On the basis of suitable mitigation being secured for the loss of playing field no objection is raised to this application by Sport England. Although the previous section 106 agreement remains it will require amendment so that it reflects this current planning application.
18. Given the previous approval and established mitigation it is considered that subject to the developer entering into a section 106 agreement for a commuted lump sum towards the

enhancement of existing playing pitch provision the loss of the existing sports pitch remains acceptable and is not contrary to saved policy REC1 or PPG 17.

Character of the area;

19. Within the immediate area there are a range of building styles, though they are predominately two-storey in nature with a range of building materials. The external appearance of the building remains similar to that previously approved although changes have been made to its external appearance it still retains its modern design and the use of materials should help the proposal to fit into the character of the surrounding area.
20. The overall scale of the building has been reduced from that already accepted. This is most evident from the rear elevation where there is now a single storey element across its length and through a reduction in height. This will also have the benefit of reducing the impact of the scheme from the remainder of the open space. The building remains set back from Finchale Avenue by a minimum of 65m and along with the soft landscaping this will help further to reduce its overall impact within the street scene.
21. The changes to the previously approved plan are therefore considered to be acceptable and will not cause any significant impacts to the character of the area so as to warrant a refusal of the application.

Landscaping features;

22. The Council's Landscape Officers have considered the revised drawings and accompanying information. The revised plans are considered acceptable from a landscape viewpoint and the overall landscape strategy has remained as per the previously approved application which was considered to add further interest within the street scene and improve the character of the area.
23. Previously imposed planning conditions regarding soft landscape (planting plans, specification and maintenance programme) and hard landscape details are recommended.

Amenity of neighbouring occupiers;

24. The side (south) elevation of the proposed development reduces from two storeys down to a single storey at the rear (western elevation) and is situated in excess of 25m from the rear wall of the newly constructed properties on the former Billingham College site. Given the distance, scale of the building and its use, it is again considered that the proposal will not have any adverse impacts on the amenity or privacy of these neighbouring occupiers.
25. With regards to the remaining residential properties the proposal is in excess of 80 metres from these dwellings, again it is considered that the proposal will not be overbearing or have any adverse impacts on the amenity or privacy of these neighbouring occupiers.
26. Whilst it is accepted that the proposed development may cause some noise and disturbance in the short to medium term during construction, it is therefore considered that a planning condition to control construction hours is necessary.

Access and Highway Safety;

27. The Acting Head of Technical Services has considered the submitted information and notes that the previously approved layout is unchanged and remains acceptable. There remains a requirement for the access arrangements to be agreed and secured through a planning condition; equally the conditions for a travel plan and its implementation are also requested. These elements were secured under the previous application and are set out within the list of planning conditions earlier in this report.
28. Whilst the comments from the neighbouring residents are noted with respect to the positioning of the access there is a requirement to achieve staggered junction spacing. The proposal

provides an acceptable junction spacing of approximately 60 metres between the site access and Tintern Avenue and the visibility splay is predominantly within the adopted highway. Adequate parking is provided within the site, comments regarding cars parking on the highway are noted, however, as this is an unrestricted public highway it would not be possible to stop persons parking on the highway without appropriate legislation/regulations outside of the planning system.

29. All other highway matters were considered under the previously approved application (09/1418/FUL) and there remains no highway objection to this application.

Public Safety;

30. Through the Health and Safety Executives (HSE) PADHI+ consultation system, it is advised that the HSE do not on safety grounds advise against the granting of planning permission in this instance. The proposal is therefore considered to accord with saved policy EN39 of the adopted Stockton on Tees local Plan in this respect.

Impact on protected species;

31. A protected species report was submitted as part of the previous application. It showed that the site did not support any protected species, and with the exception of a tree in the north-east corner (Horse Chestnut) of the site which may have been used by breeding birds.
32. A planning condition was imposed on the previous approval to prohibit the tree being felled in the Bird breeding season (March-September), to ensure that any breeding birds were protected. This tree has now been removed and therefore it is not necessary to re-impose this condition.
33. The site is therefore considered to have very limited nature conservation value and is not considered to pose any significant threat to species especially protected by law and accords with guidance set out in PPS9.

Human Rights Implications:

34. The aim of the European Convention of Human Rights 1950 is to give people who live in European states a list of civil and political rights which the member states of the Council of Europe believed every person in Europe should expect to have. The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development is not considered to contravene these basic rights and freedoms which are set down in the Convention.

Community Safety Implications:

35. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. The site is surrounded by residential properties and will benefit from a degree of natural surveillance. Appropriate means of enclosure are conditioned which should also improve the security of the site and premises. The proposal is therefore considered to be appropriate with respect to Secure by Design standards, Section 17 of the Crime and Disorder Act (1998) and the requirements of Policy CS3

CONCLUSION

36. The proposed development and changes that reduce the buildings scale are considered to be appropriate and will retain a modern design with materials that complement the more traditional buildings in the surrounding area. Associated landscaping will also help to soften and enhance the development.

37. Whilst the proposal will result in the loss of the former running track, it is within private ownership and significant funds will be secured through a section 106 agreement to provide improvements to existing playing fields elsewhere in Billingham
38. The application site is considered to remain an accessible and sustainable location for a doctor's surgery given the easy walking distance to Billingham Town Centre and choice of transport modes. The revised development is also considered not to have any significant impacts to existing levels of residential amenity, highway safety, public safety or protected species.
39. The proposed development is therefore considered to remain in accordance with national planning guidance and policies CS2, CS3, CS6, CS11 of the Core Strategy and Saved policies REC1 and EN39 of the Local Plan. Consequently it is recommended that the application be Approved with Conditions subject to the developer entering into a Section 106 agreement for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

Ward Billingham Central
Ward Councillor Councillors B Woodhouse and Ann McCoy

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As report.

Community Safety 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.

Background Papers.

Stockton on Tees Local Plan
Planning Policy Statement 1; Delivering Sustainable development
Planning Policy Statement 4; Planning for sustainable economic growth
Planning Policy Statement 9; Biodiversity and Geological conservation
Planning Policy Guidance 17: Planning for open space, sport and recreation
Planning Applications 06/1983/OUT, 07/0858/REM & 09/1418/FUL

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Ward Councillor Councillor B Woodhouse & Ann McCoy