

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

15 SEPTEMBER 2010

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

10/1778/FUL

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

Part retrospective application for mixed use development comprising 81no. bedroom residential care home, 2no. sheltered accommodation units containing 24no. apartments and associated access, parking and landscaping.

Expiry Date 8 October 2010

SUMMARY

The planning application relates to an area of partially developed land of 0.689 hectares located on the north side of Blair Avenue close to the Myton Way Centre, which is the main retail/commercial centre in Ingleby Barwick. A nursing home has been erected at the eastern end of this land with associated access roads and parking areas which has not been in accordance with the planning permission granted for a nursing home on the site. The building is operational and occupied by residents and retrospective permission is now being sought for an increase from 75 to 81 bedrooms and for changes to the road and parking layout from the scheme granted permission by application reference No. 08/2977/FUL.

Development has also commenced and stopped on two other buildings at the western end of the site. The building started at the rear, northern side of the site was intended to be an extension to the care home and that at the front is the footprint of a private medical building granted permission by application reference No. 08/2977/FUL. The proposal is now to complete these two buildings as 24 units of Category 2 sheltered housing accommodation. The sheltered housing would be for those needing 'active elderly/semi retired accommodation with self contained independent living'.

14 Objections to the application have been received including a Councillor and Ingleby Barwick Town Council. The primary concerns are the principle of and need for development at this location; highway safety including traffic generation, access and numbers of parking spaces; the impact on the appearance and character of the area in terms of scale and design; residential amenity and privacy including the amount of amenity/garden space; the lack of refuse and recycling storage; enforcement issues; and other material and non-material planning concerns.

The Acting Head of Technical Services Highway considers that overall the proposed development scheme would be less traffic intensive than the extant 08/2977/FUL planning permission during peak traffic periods notwithstanding the increase in the number of bedrooms in the care home. The scheme shows 32 car parking spaces which is more than the 31 required under the Council's adopted standards. The access arrangement remains unchanged from the previous approved scheme.

Accordingly it is considered that the proposal would not give rise to any other highway safety concerns subject to conditions to ensure the access, roadways and car and cycle parking and bin store arrangements are carried out.

The proposed site layout includes two new areas of garden for the residents of the sheltered accommodation. It is considered that the layout, landscaping areas, design and materials of the site and buildings would be appropriate to the location of the development. Conditions are required on hard and soft landscaping, tree protection and maintenance, means of garden enclosure, timing of works, cycle parking, refuse and recycling storage.

In accordance with Supplementary Planning Document 2: Open Space, Recreation and Landscaping December 2009 a payment of £27,631.68 is required for these purposes and is to be secured by a Voluntary Section 106 Planning Agreement which the applicant has agreed to pay. A draft S106 is being drawn up and would be signed by all parties should Members approve the planning application. If this does not happen before the target date for determination of the application on 8 October 2010 it is recommended that the Head of Planning have authority to refuse the application.

Subject to the signing of the planning agreement for open space contributions the application is recommended for conditional approval.

RECOMMENDATION

Planning application 10/1778/FUL 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 8 October 2010 that the application be refused.*

Approved Plans

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-00 C</i>	<i>13 July 2010</i>
<i>A-01 B</i>	<i>8 July 2010</i>
<i>A-03 A</i>	<i>3 September 2010</i>
<i>A-04 A</i>	<i>3 September 2010</i>
<i>A-05 A</i>	<i>3September 2010</i>
<i>A-06</i>	<i>7 July 2010</i>
<i>A-07</i>	<i>7 July 2010</i>
<i>A-08</i>	<i>7 July 2010</i>
<i>A-09</i>	<i>7 July 2010</i>
<i>A-10</i>	<i>7 July 2010</i>
<i>A-02 C</i>	<i>3 September 2010</i>

Reason: To define the consent.

External Materials

02. ***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.

Soft Landscaping

03. 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.

Soft Landscaping Management Plan

04. 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.

Hard Surfacing

05. 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. The construction and materials shall be in accordance with the Stockton-on-Tees Borough Council's Design Guide and Specification.

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.

Retention of Trees, Shrubs and Hedges

06. 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.

Protection of Trees

07. 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.

Means of Enclosure

08. Before development commences details shall be submitted to and approved in writing by the local planning authority of the means of enclosure of the garden amenity space boundaries. The garden boundaries shall be of a palisade type or such other as may be agreed in writing.

Reason: in the interests of visual amenity and to reduce the visual impact of these enclosures.

Design and Materials of Cycle, Bin and Recycling Stores

09. Before development commences details shall be submitted to and approved in writing by the local planning authority of the design and materials of the structures to be provided for cycle parking, refuse collection and recycling within the site. The development hereby approved shall not be occupied until the cycle parking and

refuse and recycling stores have been completed in accordance with the approved details.

Reason: In order to facilitate cycle parking, refuse collection and recycling in the interests of sustainability, visual amenity and highway safety.

Site Lines

- 10. 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.

External Illumination

- 11. 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.

Travel Plan

- 12. Prior to the first occupation of each building B and C 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.

Timing of Construction Activities

- 13.** ***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.

Restriction on Use

- 14.** ***Notwithstanding the provisions of Class C3 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order the two buildings hereby approved for sheltered accommodation shall be used only by those over 55 years of age as Category 2 sheltered housing accommodation. The sheltered housing shall be solely for those needing 'active elderly/semi retired accommodation with self contained independent living' and retained for that purpose and shall not be used for any other purpose than the use hereby permitted.***

Reason: To enable the local planning authority to retain control over the development in the interests of residential amenity and highway safety.

INFORMATIVES

The proposal has been considered against the Core Strategy and saved policies below and it is considered that the scheme accords with these policies as the development is considered to be acceptable in principle, in keeping with the surrounding area and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties, and does not adversely affect highway safety and there are no other material considerations which indicate a decision should be otherwise.

Core Strategy Development Plan Document
CS1 - The Spatial Strategy
CS7 - Housing Distribution and Phasing
CS8 - Housing Mix and Affordable Housing Provision
CS11 - Planning Obligations

Local Plan saved Policies

Supplementary Planning Guidance 4: High Density Development: Flats and Apartments April 2005.
Supplementary Planning Document 2: Open Space, Recreation and Landscaping December 2009.

HEADS OF TERMS

A commuted lump sum of £27,631.68 be provided by the applicant towards the improvement and enhancement of off site parks, natural greenspace, sports facilities, allotments, play and amenity provision within the Ingleby Barwick area.

BACKGROUND

1. Conditional planning permission was granted at the Planning Committee on 29 April 2009 for the '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' by application reference No. 08/2977/FUL. Development has proceeded on site but not in accordance with the approved scheme despite applications 09/1395/APC and 09/1135/APC which were made to discharge the conditions attached to the approval 08/2977/FUL.
2. The applicant has made a number of other submissions to regularise the situation by applications reference numbers 10/1501/FUL, 10/1480/ARC, 09/2957/FUL, 09/2076/FUL. However these were invalidly made and withdrawn or returned. The current application has been submitted to resolve the outstanding enforcement issues and seek retrospective planning permission.
3. The principle of development on the site was approved when Outline planning permission was granted on appeal in February 2004 (07/0492/REM) 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.
4. 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.
5. 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.

6. Chronological Planning History of the site

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.

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.

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.

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.

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

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

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

08/2977/FUL Mr Singh

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.

09/1135/APC Sandstone Developments

Application to discharge condition nos. 2, 3, 5, 6, 7, 11, 15 and 17 - 21 of planning approval 08/2977/FUL - 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. Planning advice given.

09/1395/APC Mr Singh

Application to discharge condition nos. 9 (Materials), 12 (Hard Landscaping) and 22 (Access) for planning approval 08/2977/FUL 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. Refused.

09/2076/FUL Sandstone Development

Proposed three/two storey 99 bedroom residential care home. Application returned.

09/2957/FUL Sandstone Development

Two storey extension to previously approved care home facility 08/2977/FUL.

10/1480/ARC Sandstone Development

Application to vary condition no. 2 (approved plans) from approval 08/2977/FUL to change the number of bedrooms from 75 no. to 81no. application withdrawn.

10/1501/FUL Mr Singh

Proposed erection of 2no. Sheltered Accommodation blocks containing 24no. apartments and associated parking alterations. Withdrawn.

PROPOSAL

7. The application is seeking retrospective permission for an 81 bed care home (C2 residential institution) and associated access roads and car parking areas which differ from those approved by application 08/2977/FUL. In addition the application seeks permission for two

other partially constructed buildings proposed to be completed as sheltered housing accommodation (C3 dwelling houses).

8. The site layout plans show access to Blair Avenue, internal road and turning head, 32 car parking spaces including 5 disabled spaces. The disabled space by the front of the care home can accommodate ambulances. There are footpaths linking the buildings and Blair Avenue and bin and cycle storage. In addition to the original garden to the east of the care home and there would be three garden areas each associated with one of the buildings. Landscaping has been implemented around the western and southern boundaries and the hedges to the north and east and an ash tree have been retained.
9. The proposed 81 bed care home (building A) differs from that approved with 75 residents bedrooms and 1 visitor's overnight room by the internal addition of 5 residents rooms. There has been a gain of 3 bedrooms on the ground floor by combining plant and sensory rooms and by changing the use of a staff room and an office (22 to 25).
10. At first floor level there is an increase in the number of resident's as a bedroom previously intended for visitors has become a resident's bedroom. Other changes at this level are that a utility and hairdresser room have been combined and turned into a bedroom while a previously approved bedroom has been turned into a laundry room (33 + 1 to 34).
11. At second floor level a store and a utility room has become a resident's room and a nurse/medical room and nurse/medical room office have been combined to form a visitor's overnight room and utility room. (20 to 21 + 1). This gives a combined total of 81 bedrooms comprised of 80 resident's rooms and one visitor's room.
12. The care home has a garden that has been created on its eastern side which would be separated from Blair Avenue by a 1.8m high timber fence and from the adjoining cycleway and path along Myton Way by an existing hedge.
13. One of the two buildings to the rear of the site (B) proposed for sheltered housing has been erected to ground level and is on a part of the site having full approval for access and parking and outline consent for a children's day nursery by planning approval 08/2977/FUL. This building was being erected as an extension to the main nursing home building without consent and work was stopped on site. Partial demolition since has created a 3m gap between this intended extension and the main care home building. This building would contain 14 apartments on 2 floors with the same accommodation, roof style and external materials as building C above. The garden for these apartments would stand immediately to the south side of the building adjacent to the access road.
14. The other proposed sheltered accommodation building (C) would stand at the front of the site next to the access onto Blair Avenue. It would be a replacement for a private medical centre that had permission by application 08/2977/FUL. Work commenced on the erection of the private medical building and has stopped at ground floor base level. The proposed building would have the same floor footprint and would also be two storeys in height. However the design would differ in that it would be constructed with hipped roof and materials to match the care home rather than with a flat roof and mixture of brick, white render and aluminium windows and details. The building would contain 10 one bedroom apartments with lounge and open plan kitchen and private bathrooms. There would be a shared staircase and communal activity lounges on both floor levels. The garden for this block would stand to the east of the building and between Blair Avenue and the internal access and parking.
15. The application is supported by a design and access statement, a Transport Assessment and a Draft Travel Plan Framework.

CONSULTATIONS

16. The following Consultations were notified and any comments received are set out below:-

Councillor Jean Kirby

Apart from having to stop this client from building something that he did not have planning permission for, I believe that the previous granted permission for a Nursery and PCT centre should stand.

That the unauthorised extension part of the building attached to the nursing home should be demolished.

The new application for retrospective expansion of the inside of the nursing home should be granted on the understanding that is within the law and guidelines allowed for nursing homes. The application of sheltered accommodation should be refused on the grounds of the original site was white/green belt and should not therefore, have houses developed on the land. The building land is already available for building this type of housing. In fact Persimmon were planning a sheltered accommodation on Broomhill site. They had no response over the two years it was publicized they changed the plans and built something else. There is no need in Ingleby Barwick for this type of housing.

The car parking on the new plan offers 35 parking spaces for 24 apartments. Assuming one parking place provided for each apartment that would only leave 11 only for the nursing home visitors and staff. When this nursing home is full and up and running this would not be enough. You cannot assume that the people purchasing the sheltered accommodation do not have cars or visitors to them, so provision should be provided.

There is no evidence on the plans provided for the 24 wheelie bins that would be needed plus the recycling boxes that SBC provide. The apartments are too small inside to accommodate this provision, so some form of facility would have to be available outside.

The garden facilities are very minimum and would like to see more available space provided for the sheltered housing to enable all the resident's access to gardens.

I believe that the application does not comply with Policy H011 and also the Core Strategy. We already have provision of affordable housing under the 106 agreement with Persimmon.

Policy EN14 development is not permitted within green wedge.

Under SHLAA this land is not listed as development to build housing on?

It would also be applicable to the Core Strategy especially on density of the development if sheltered housing was allowed on the site.

Acting Head of Technical Services

General Summary

In summary, there is no objection to this development subject to the comments below and implementation of appropriate conditions.

Highways Comments

This site has been considered previously and has an extant permission for a 75no bed nursing home, PCT building and outline permission for a day nursery. This proposal for an increase in the size of the nursing home to 81no beds and sheltered accommodation is considered to be less traffic intensive than the extant permission during peak traffic periods. Close analysis of the submitted Transport Assessment was undertaken at that time and it was found to be acceptable. In traffic terms, this development is therefore considered acceptable.

The access arrangement remains unchanged from the previous approved scheme for the site and has been implemented in accordance with this approval. This is therefore acceptable.

Parking requirements for the development in accordance with current standards is as follows:

- Nursing home – 19
- Sheltered accommodation – 12

32 Parking spaces are indicated for the development which is acceptable and accords approximately with the maximum standards noted above, including the provision of 4 disabled car parking spaces. Disabled parking is located close to building entrances and is therefore acceptable.

Pedestrian and vehicular manoeuvrability around the site is acceptable, refuse areas are indicated on the revised plan that are accessible by users and are also within appropriate bin pull distances for collection purposes. Provision for recycling is also included and is acceptable. All kerbs and footways should be constructed in accordance with the Council's Design Guide and Specification.

Cycle storage is indicated for the development that is covered and secure, the details will require approval and should therefore be included should the development be approved. The latest plan also indicates areas available for mobility scooter parking within the sheltered apartments that is welcomed.

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 should it be approved.

It is expected that the travel plan will provide information for employees and visitors on sustainable modes of transport 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.

In summary there is no highway objection to this application, subject to the implementation of appropriate conditions as detailed above.

Landscape & Visual Comments

There are no objections to this layout which allows for a break in the build form and provides for usable open garden space on the southern side of the buildings.

Revised landscape details are requested to reflect the new layout and the proposed fencing to the garden boundaries should be of a palisade type to reduce the visual impact of these enclosures.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

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.

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.

Northumbrian Water Limited

The application has been examined and Northumbrian Water has no objection to the proposed development.

Northern Gas Networks

(Summarised)

According to our records NGN has no gas mains in the area of your enquiry. However our records indicate that gas pipes owned by other Gas Transporters may be present in this area. A plan is attached for your information and further enquiries with regard to such pipes should be obtained from the owners.

CE Electric UK

No representations received.

Town Council

The Town Council would like to submit the following comments:

Parking Provision The proposed parking provision of 32 no. spaces is inadequate for the size of the development.

There are not enough spaces to allow for staff and visitor parking for the 81 no. bedroom residential care home.

Also, the proposed provision of 12 spaces for the sheltered accommodation does not allow for adequate parking provision for the occupants of the 24 no. apartments and their associated visitors etc.

Landscaping, the proposed amenity/garden space provided for use by the residents of both the care home and sheltered accommodation is inadequate for the size of the development.

Refuse and Recycling Storage Concerns are raised in respect of the limited amount of space provided for refuse storage. No provision is made for recycling storage.

Waste Management

The application form highlights the need for refuse containers and the proposed site plan shows 2 bin stores where these will be kept. However recycling containers would be required for the sheltered accommodation element of the scheme so that residents are able to recycle their waste and this is not mentioned in the application form. There is also an apartment block with 10 apartments that is not served by a bin store to house recycling and waste containers to allow a kerbside collection. I would like to see this be investigated to allow SBC to offer the full services to the future residents. If you require any further clarification or advice please contact the Waste Management section.

Children, Education and Social Care

No representations received.

Stockton Police Station

No representations received.

Primary Care Trust

No representations received.

Adult Strategy

No representations received.

Tristar Homes

Information from the Strategic Housing Market Assessment (2009)

Market demand (this includes all properties which would be available on the open market) in sub area - Ingleby Barwick

Demand largely reflects supply in Ingleby Barwick

Demand for flats exceeds supply in several areas of the borough, including Ingleby Barwick

Demand for bungalows exceeds supply in all areas of the borough.

The information about the housing aspirations and requirements amongst older people helps to explore the implication of the forecast rise of 42.2% in the numbers of people aged 60+ by 2029.

The local findings tend to confirm the national research that:

The vast majority of older people (around 80%) want to continue to live in their current home with support when needed

A minority would consider other forms of housing such as sheltered accommodation (around 25%) and new forms of older persons accommodation, for instance older persons apartment or properties in a retirement/care village

Of those intending to move, 65% were seeking two bedroom accommodation and only 17% one bedroom.

In terms of property types, preferences were strongest for bungalows.

Information from Housing, care and support strategy for older people in Stockton (2005)

Recommendation 4.4

Rebalance the sheltered stock and housing and housing support services through:

A higher level of quality sheltered housing for rent to meet growing aspirations of older people. In particular older people in the borough are requesting more 2 bedroom accommodation, good levels of accessibility both within and into sheltered schemes and more choice of service models and options.

A growth in the level of sheltered housing for sale and shared ownership from 18 to 200 units to bring provision more in line with tenure in the borough. Some of this can be provided through social landlords diversifying their tenure, as well as through the private sector.

To conclude a demand for sheltered housing can be evidenced and there is a demand for open market sheltered housing in the borough. The proposal however of 1 bed units is smaller than the evidence suggests is preferred by older people (which are for 2 bed accommodation).

PUBLICITY

17. Neighbours were notified by letter and site notice and comments received are summarised below:-

Mr and Mrs MacGregor 10 Rowen Close Ingleby Barwick

Larger building than anticipated and out of character with the area. Further construction makes it worse.

If retrospective means part of nursing home was not as the original plans why was this allowed to proceed.

The original application was granted on appeal the change would seem to be for financial gain only.

Ingleby Barwick is already overdeveloped this will not benefit the area and will be detrimental to landscape and wildlife.

Tracy Taylor 9 Sugar Loaf Close Ingleby Barwick

Mr. Singh needs to make up his mind what he wants to do - two applications in approx 6 weeks. Stockton Borough Council to question how / why foundations were laid and covered with a green tarpaulin screen before the applications had been submitted and approved.

Mr. Singh to commence paying for all costs for administration, preparation, printing and postage of all correspondence, not as I assume Council funds being used which are paid for by the town's residents.

Is an additional sheltered home required? We already have one in place on the same site due to be opened in early 2010. At this time it is either unused or has few habitants.

Building of this size and nature require gardens. On the proposed site there is no room for gardens. Simple Landscaping with the planting of a few ad hoc plants / shrubs does not qualify as a garden nor does the addition of a fountain / water feature.

Mr Stephen York 35 Cradoc Grove Ingleby Barwick

The residential home on this site, when passed, included a medical centre. Now we see where it was supposed to be built is up for sale. Now Mr Singh and another person want to build 48 apartments on this site, and also extra rooms on the care home. How many old people can they get on this small site? In the event of an accident, how would emergency services cope? We strongly object to this application.

Mr Peter and Mrs Julie Dickinson 33 Cradoc Grove Ingleby Barwick

The traffic congestion around the proposed development is already at bursting point especially on school days. I don't think it is more houses that are required, we should be thinking about more facilities especially for children. We would like to keep the trees and the greenery around the existing home, I am sure this is a better outlook for the elderly in the home. They do not want to be looking at the traffic and listening to all the noise.

When is all this building going to stop! There are several un occupied buildings in and around Stockton that could be converted for any such use.

Jane Windebank 19 Cradoc Grove Ingleby Barwick

The residential care home has already been erected and is up and running- I have no objection with this. The sheltered accommodation does concern me a great deal. It is not explained who will be in this building and also I don't think it is an appropriate site for this establishment being right opposite a school - which is actually 3 schools ranging in ages from 3-16 yrs of age. I do object as my own child will be attending the school in a couple of years and one doesn't know who and what type of people this accommodation will comprise off. I don't think Ingleby Barwick is the correct area for 'sheltered accommodation'. Also the site does not look big enough to accommodate ample parking and landscaping as it does get very busy and this area with parents dropping off and picking their children up from school.

Mr D Drummond 18 Cradoc Grove Ingleby Barwick

The use will be detrimental to the area and location and not in keeping with other buildings. Given history of this site, if approved all councillors and officers should be removed from office. Complaints will be received.

The applicant has shown lack of respect for the area by building without permissions.

**Ian Wanless 7 Snowdon Grove Ingleby Barwick and
Yvonne Parkinson 9 Snowdon Grove Ingleby Barwick**

I am writing to oppose the above mentioned retrospective planning application. The planning approval for the original development, 08/2977/FUL, was for a Care Home Facility and Private Medical Centre, with vehicle access and car parking. The area to the west of the Care Home was designated as Phase 2 and subject to a separate planning application; this was reserved for a Day Nursery. During the building of the Care Home, there has been progress made on an unauthorised extension. How can this happen? Competent developers should use "Approved for Construction" drawings. For this retrospective application, Block B and C of the proposed Sheltered Accommodation sit on the footprint of the unauthorised extension and still to be built Private Medical Centre, how convenient is that for the developer? It seems clear to me that the Sheltered Accommodation was always the intention of the developer. The fact that the unauthorised work has progressed shows contempt for the whole planning approval process. Developers should not be allowed to get away with these practices. Stockton Borough Council should be strong and stand by their original planning approval and the developer should be made to complete the site as per those approved plans. The plans he submitted after all. Maybe that way the message would get through that these planning approvals really mean something and are not just a "paper exercise" where council tax funds are wasted just "going through the motions". In these hard times, many a council around the country will be challenged regarding their budgets. Refusing repeat planning applications following unauthorised work is one way to save some of that much needed council budget.

Brian Lewis 5 Beech Grove Maltby

The number of parking spaces originally submitted for the first development of the Care Home on this site was deemed to be insufficient and was increased to the current 52 spaces. The addition of two further developments whilst decreasing the parking spaces to 32 is completely unacceptable.

B Young 115 Marchlyn Crescent Ingleby Barwick

Traffic will increase to an unacceptable level i.e. Tesco, library and schools.
If need why existing not full?
Greed over need.
Traffic congestion problem a positive danger.

D Thompson 10 Conwy Grove Ingleby Barwick

This estate has more than enough traffic problems. You need to sort out roads first.

Robert Cowell 99 Marchlyn Crescent Ingleby Barwick

If this development refers to the part of site where work has already commenced without permission, I believe the scheme should be looked at negatively. The reason for this is that the 'original scheme' was granted permission - in the face of some considerable opposition - and then to use this as a foothold and just encroach further with total and contempt for the planning process and build even more is not acceptable. The applicant has permission for a scheme which he/she should be constrained to as traffic (esp. at peak times) is already too heavy and this extension would add to congestion, delays and negatively affect the safety of pedestrians in the area.

James Watt 4 Libanus Court Ingleby Barwick

The development is out of context with the surrounding area already and the expansion is inappropriate. The previous planning proposal proposed some amenities a medical practice and nursery, and it was questionable if such facilities are needed given the two surgeries present and a number of nurseries. Traffic along this road is already a concern especially speed and access to/from the school. In addition the previous build of the care home included work not permitted.

What is to prevent the new application not being subject to the same disregard? Overall I have the general concern that too much is being put into Ingleby Barwick, apartment accommodation, sheltered or not is available elsewhere. It is also my understanding that the current residential home is not populated and would therefore appear to be a case of development for developments sake.

PLANNING POLICY

18. 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)
19. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

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 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare, may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.

9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.

10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.

12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.

13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

Stockton-on-Tees Local Plan Saved Policies

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Draft Planning Policy Statement: Planning for a Natural and Healthy Environment: 9th March 2010

Planning Policy Statement 1: Delivering Sustainable Development: 31st Jan 2005

Supplement to PPS 1: Planning and Climate Change: 17th Dec 2007

Planning Policy Statement 3: Housing: 9th June 2010

Planning Policy Guidance 18: Enforcing Planning Control: 20th December 1991

Supplementary Planning Guidance 4: High Density Development: Flats and Apartments April 2005.

SITE AND SURROUNDINGS

20. The application relates to an area of land of 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. A care/nursing home has been erected at the eastern end of the site. This is a 2 and 3 storey L shaped building which externally conforms to the approved elevational plans by application 08/ 2977/FUL. An access onto Blair Avenue has been constructed serving car parking areas within the site.
21. Construction has started and stopped on the erection of two additional buildings within the site. The building nearest to Blair Avenue conforms to the siting and footprint of the private medical building shown on the approved plans under the above planning reference. This building has been erected to ground floor pad level.
22. The second building extending along the rear northern side of the site was intended to be an extension to the care/nursing home and has internal leaf walls up to ground floor ceiling height. This building does not conform to any planning approval.
23. There are hedgerow trees along the northern and eastern boundaries and a mature Ash tree in the south eastern corner of the site. Additional landscape planting has been carried out on the western and southern boundaries. To the west of the site is an established area of trees in private ownership extending towards Rowen Close and residential housing estates. To the north is open grassland allocated by Local Plan Saved policy HO1f as Ingleby Barwick village 4-6 for housing development. To the east is a cycleway/footpath which is part of the Ingleby Barwick pedestrian/cycle network providing links from the residential areas to the Myton centre. There is a bus stop lay-by and shelter in the public highway next to the site in Blair Avenue. Opposite to the site and south of Blair Avenue are All Saints Secondary School, Myton Park Primary school and a Public Library.

MATERIAL PLANNING CONSIDERATIONS

24. 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 planning policy, the principle of the development, traffic and highway safety, the appearance and character of the area, residential amenity and privacy, refuse and recycling storage, planning history and any other material considerations.

Principle of the development

25. The application is part of a larger area of privately owned land not specifically allocated for any purpose in the Saved policies of the adopted Local Plan in 1997 and referred to by objectors as white/green land. The land had been identified earlier in the revised Master Plan for Ingleby Barwick of 1991 as part of the 'Local Open Space System'. However, this never became a formal designation of the land in the Local Plan and the Master Plan has been superseded by the number of planning applications approving development on this land. There are no policies to state that this land can not be built including forms of residential accommodation or housing.
26. Saved Local Plan Policy HO3 permits residential development subject to a number of criteria. With regard to these the land is not specifically allocated for another use; it is not

underneath electricity lines and; it does not result in the loss of a site which is used for recreational purposes.

27. The proposal only seeks to change the previously approved development on 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 and a library. Immediately to the east of those schools is the main commercial and shopping centre for Ingleby Barwick. The site is fairly central to the settlement of Ingleby Barwick and considered to be a sustainable location for development.
28. The site is within the Limits to Development as defined by the local plan and was previously considered to be a sustainable location for development and in accord with Planning Policy Statement 1. The principle of the development has been established by a series of Outline, Reserved Matters and Full planning approvals for varying forms of development on this site. These culminated in the planning approval granted by Members in 2009 by reference No. 08/2977/FUL which lead to the construction of the care/nursing home. This approval granted full consent for the erection of mixed use development including a 75no bedroom residential nursing home, an 816sq.m private medical centre and associated vehicular access and car parking.
29. On appeal the Planning Inspector allowed application 06/3752/OUT for Outline consent 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. The granting of planning permission for full application 08/2977/FUL has also clearly established the principle of development on this site.
30. The internal accommodation of the care/nursing home has been raised to 81 bedrooms instead of the approved 75. The building retains the outward physical form of the care/nursing home as previously approved and the impacts on parking and other issues are discussed below. The internal changes are not considered of such significance in planning terms as to overturn the principle of development as established by previous planning decisions on this site.
31. The previous approvals also established that in addition to the care/nursing home the site could contain other mixed use development. In the case of approvals 06/3752/OUT and 08/2977/FUL the additional development was to be an 816sq.m private medical centre building and associated vehicular access and car parking and space reserved for a children's day nursery.
32. However, market conditions have required the owner of the site to look to other uses for the parts of the site previously approved for the private medical building and children's day nursery. Although an objector considers that more facilities are required for children this has not been reflected in operators coming forward for the day nursery.
33. Given the location and physical constraints applying to the site this also had to be a use that was compatible with the care/nursing home and did not increase the traffic generation of the site. The proposed sheltered accommodation complies with these criteria. The provision of sheltered accommodation is not a type of development that is required to demonstrate need as part of the planning process.
34. The Housing adviser from Tristar Homes has confirmed that studies have shown that there is a demand for open market sheltered housing in the borough. The Strategic Housing Market Assessment (2009) has confirmed that market demand for all properties in Ingleby Barwick largely reflects supply in Ingleby Barwick and that the demand for flats and

bungalows exceeds supply in Ingleby Barwick. There is a forecast rise of 42.2% in the numbers of people aged 60+ by 2029. The local findings tend to confirm the national research that although the vast majority of older people want to continue to live in their current home with support when needed, a minority would consider other forms of housing such as sheltered accommodation (around 25%) and new forms of older persons accommodation, for instance older persons apartment or properties in a retirement/care village.

35. Recommendation 4.4 of Information from Housing, care and support strategy for older people in Stockton (2005) is that there should be a rebalance of housing stock by a higher level of quality sheltered housing for rent to meet growing aspirations of older people. required. It is therefore appropriate that a range of housing types should be allowed in Ingleby Barwick and the proposals would go some way to raising the supply from the current 18 units to meeting the target of 200 units in the level of sheltered housing for sale and shared ownership. There is a need for sheltered accommodation even if as objectors point out other developers have elsewhere changed from this type of housing originally planned for in their schemes.
36. Good levels of accessibility both within and into sheltered schemes and more choice of service models and options is also required. The proximity of the application site to the main services and facilities of Ingleby Barwick at the Myton Way Centre makes it appropriate to sheltered living accommodation. The proposal is for 1 bed units which is smaller than the evidence suggests is preferred by most older people (which is for 2 bed accommodation) however some 17% preferred one bedroom so there is demand.
37. The sheltered housing element would provide a different form of accommodation to the care/nursing home accommodation and the resident occupation levels of the care home are not directly relevant to the determination of this application. The sheltered accommodation would be aimed at people in their later years who are still capable and wish for more independent living than a care home, but who would still appreciate some assistance from time to time. There are benefits in both forms of accommodation being in close proximity as staff from the care home may be able to provide that assistance where otherwise a resident warden or remote call system would need to be in place. Residents of the sheltered accommodation may wish in time to progress into the care home.
38. The planning context has changed since the 08/2977/FUL decision in that the Core Strategy has been adopted and only a limited number of the Local Plan 1997 policies have been saved. Policies H011 and EN14 referred to by objectors have not been 'Saved' and no longer apply. Reference is also made to the Strategic Housing Land Availability Assessment 2010 and that this does not list this site for sheltered housing development. That was because the site had already had approval for the care/nursing home and other uses. The SCHLAA does not allocate sites for housing but provides evidence for future Local Development Framework documents. The lack of reference to this site does not mean that housing cannot be considered at all. As the proposed uses are all residential and the site is next to an allocated housing site the care home and sheltered housing apartments are not detrimental to the area and location as feared by objectors. A residential use associated with the elderly would have less impact than the activities and traffic generation associated with a mixed use of care home, private medical building and children's day nursery as has been previously approved on this site.
39. Objectors are concerned that Ingleby Barwick is already overdeveloped and there are several unoccupied buildings in and around Stockton that could be converted for any such use.

40. . The application site is an already developed site with previous planning permissions. The assessment must be whether the proposals would have any more significant impact than those approved forms of development.

Traffic, Access and Highway Safety

41. The access to the development has been constructed in the position approved under planning permission 08/2977/FUL and this conforms to the position in previous applications. The Acting Head of Technical Services notes that the access arrangement remains unchanged from the previous approved scheme for the site and that it has been implemented in accordance with the above approval. The access road then enters the site and has a spur returning towards Blair Avenue with parking provided on either side and with a turning head in front of the constructed care home. This is considered acceptable.
42. There are 32 car parking spaces including 4 for the disabled located close to the main care home entrance and those of the proposed sheltered accommodation buildings. Objectors are concerned that the proposed parking provision of 32 no. spaces will be inadequate for the size of the development and that there are not enough spaces to allow for staff and visitor parking for the 81 no. bedroom residential care home and for the occupants of the 24 no. apartments and their associated visitors.
43. Parking requirements for the development are in accordance with current standards as set out in the Council's Supplementary Planning Document 3: Parking Provision for New Developments. The 81 bedroom care home requires 19 and the 24 units of sheltered accommodation require 12 car parking spaces. This is therefore more than the 32 parking spaces indicated for the development and the number of disabled spaces also meets the standard required. The Acting Head of Technical Services considers the car parking acceptable as it accords approximately with the maximum standards noted above. A condition is proposed to ensure that all hard surfaces, which include kerbs and footways, are constructed in accordance with the Council's Design Guide and Specification.
44. In order to ensure that the car parking requirements are not increased by alternative forms of dwellings or living arrangements within the 2 proposed buildings a condition is recommended to ensure that the accommodation remains as Category 2 sheltered housing accommodation. The sheltered housing would be for those over 55 years of age needing 'active elderly/semi retired accommodation with self contained independent living' within Class A3 of the Town and Country Planning (Use Classes) Order 1987.
45. Pedestrian and vehicular manoeuvrability around the site is by paths between the car parking and the buildings and is acceptable. Cycle parking is provided close to the entrances of the 3 buildings with covered racks for residents and secure racks for visitors. The details will require approval and a condition is recommended to ensure that the design and materials are appropriate. The latest plan also indicates areas available for mobility scooter parking within the sheltered apartments that is welcomed.
46. Bin and recycling stores are close to the main entrances of the buildings. These are considered to be accessible by users and to be within appropriate bin pull distances for collection purposes. In addition space has been identified on the ground floors of the sheltered accommodation for the parking and charging of mobility scooters.
47. Objectors are concerned at the already heavy traffic congestion around the proposed development which is stated as being at bursting point especially on school days. They consider that this will increase to an unacceptable and dangerous level with other developments in the area such as Tesco, the library and the schools. Objectors are concerned that the development would add to congestion, delays and negatively affect the

safety of pedestrians in the area. The speed of traffic along the road is also expressed as a concern. Some objectors have referred to the scheme as an extension of development.

48. There would be an increase in the number of beds in the care home to 81 but this is offset by the sheltered accommodation being considered to be a less traffic intensive use during peak traffic periods than the extant permission. That permission showed in addition to the care home a private medical building and a children's day nursery which would have generated more traffic movements at peak times. Contrary to the comments from some objectors this application is not an extension of the site. The sheltered accommodation would be a direct substitution for more traffic generating uses in the private medical centre and children's day nursery that have previously been approved.
49. The Transport Assessment received close scrutiny at the time of the previous applications and it was found to be acceptable. In traffic terms the Acting Head of Technical Services finds that the current less traffic intensive uses of a care home and sheltered housing for the elderly to be acceptable.
50. 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. It is expected that the travel plan will provide information for employees and visitors on sustainable modes of transport including information such as bus timetables. The plan should also include details of targets and how travel behaviour will be monitored. The ongoing implementation of the travel plan is recommended to be conditioned as part of this development.
51. Saved Local Plan Policy HO3 permits residential development subject to a number of criteria including that satisfactory arrangements can be made for access and parking. This the scheme achieves and the Acting Head of Technical Services comments are that there are no highway objections to this application, subject to the implementation of appropriate identified conditions.

Impact on the appearance and character of the area

52. The general layout of the site follows that of previous schemes with an L shaped care home of 2 and 3 storeys height located at the eastern end and an access road leading to it from a junction at the south western corner of the site with Blair Avenue. Separate buildings are to be located next to the access at the front of the site and adjacent to the northern boundary to the west of the care home.
53. The plans with the application indicate a part two part three storey nursing home and two two storey building. The three storey part of the constructed care home runs north to south with the main entrance facing the internal access road to the west. The rear elevations face onto private gardens and Myton Road to the east. 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 site is close to the core service area for Ingleby Barwick which is characterised by larger scale buildings such as the schools opposite the site and the supermarket at the Myton Centre and its scale is appropriate in this context.
54. The care/nursing home has been erected and has the outward form of the building approved by application reference No.08/2977/FUL. The internal layout is fundamentally the same as that approval except for relatively minor physical and use changes that have been carried out to provide 81 bedrooms instead of 75. These changes do not have any visible impact on the external appearance and character of the building itself. As the

building is essentially the same as that previously approved and it has the same relationship to the site and the surrounding area and is therefore considered acceptable.

55. The Acting Head of Technical Services has no objections to the application on landscape grounds. The layout has allowed for a break in the build form between the care home and northern sheltered accommodation units (buildings A and B) and provides for usable open garden space on the southern side of the buildings. Revised landscape details have been requested to reflect the new layout. Also the proposed fencing to the garden boundaries is recommended to be of a palisade type to provide an acceptable form of enclosure. A condition requiring details of the fencing is recommended.
56. The two proposed 2 storey sheltered housing buildings have been designed to match the character and conform with materials to the care home. The previously approved private medical building on the site of building C was of a completely different style with flat roof and contrasting materials. This building would have stood out as being very different. No final design of the children's day nursery which was approved for the site of building B had been approved. Building B would extend further along the rear northern boundary but this would be softened by the existing hedgerow and additional landscape planting that has already been implemented. There would be a small expansion of the buildings on this site compared to previous approvals but would be still in context with the surrounding area
57. The development site adjoins an open area of some 2.2 hectares in private ownership and has tree planting which appears well established and would contribute to the screening of the site from the housing areas further to the west. As the site has previously been approved for development which in the case of the care home has been substantially completed there would be no loss of public open space or designated green corridors.
58. 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 Acting 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.
59. The proposals do not affect the retained ash tree and hedges and the implementation of the 08/2977/FUI application has removed any other habitat of wildlife interest. Additional planting has been carried out around the whole development. An objector is concerned that the scheme would be detrimental to wildlife. However, the additional garden areas and intended uses would be more supportive of wildlife interests than the previous approved schemes.
60. The scheme has been amended by the applicant following the responses from the Waste Management Manager and the Acting Head of Technical Services. The bin and recycling storage has been incorporated into the layout of the scheme with it shown at locations close to the entrances of each building and accessible to refuse operators. The concerns of objectors that no provision has been made for bin and recycling storage have therefore been addressed. A condition is recommended so that the visual appearance of the storage structures can be controlled.
61. It is considered that the development would be in accordance with Saved Local Plan Policy HO3 which permits residential development that is sympathetic to the character of the locality and takes account of and accommodates important features within the site.

Residential Amenity and Privacy

62. There are existing housing areas some 200m to the west at Snowdon and Cradoc Groves and Rowen Close and housing at Broomwood under construction some 80m to the east whilst there is allocated housing land closer to the north of the site. It is considered therefore that the existing care home is not close enough to adversely affect the amenity and privacy of any existing residential property.
63. The nursing home is surrounded by the existing hedgerow trees and new planting along the Blair Avenue frontage. There is peripheral space around the buildings for use by the residents. On the rear eastern side of the care home there is a previously approved private garden area. This is screened by the existing hedge and it is proposed that a fence would help screen it from Blair Avenue. This fence would be set back from the road and behind landscape planting that has already been carried out.
64. Two further new garden areas are proposed which have been achieved by the release of land that was formerly required for parking by the previously approved more traffic generating uses on this site. The existing approved garden amenity space at the eastern end of the main care home building is approximately 380sqm in area. The two additional garden areas proposed under the current application would add approximately 427sqm in two garden areas of 171sqm and 256sqm respectively adjacent to the two sheltered accommodation units. This would more than double the garden amenity space. In addition there would be the incidental space surrounding the buildings.
65. Objectors consider that the proposed amenity/garden space provided for use by the residents of both the care home and sheltered accommodation is inadequate for the size of the development. They consider that more space for the sheltered housing is needed to enable all the residents to have access to gardens and that it should not just be simple landscaping with the planting of a few ad hoc plants and shrubs and a fountain water feature. The existing trees and the greenery around the existing care home is being kept and a 4m wide belt of additional planting has been implemented with trees and shrubs so that the residents have a reasonable outlook and not just traffic with its associated noise.
66. The Acting Head of Technical Services has no objections to this layout on landscape and visual grounds and considers that the scheme will provide for usable open garden space and this on the southern side of the buildings. Consequently details of the precise landscaping scheme are required to be submitted to reflect the new layout. Details of the landscaping scheme can be dealt with by condition.
67. As the proposals are for additional residential development and applying the calculator as required by Supplementary Planning Document 2: Open Space, Recreation and Landscaping December 2009 to the proposed 24 x 1 bedroom properties the developer is required to provide contributions towards off site open space, parks, outdoor sports facilities and amenity greenspace of £27,631.68. The developer has agreed to this and a Section 106 agreement is being drawn up for signing.
68. 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.

69. It is also proposed 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.
70. As the site has been substantially developed to ground level at least it is not appropriate to apply a condition regarding unexpected contamination. At the time of the 06/3752/OUT appeal the planning Inspector considered such a condition not to be necessary or reasonable. Neither is it appropriate to apply a condition regarding sound insulation of buildings which is a matter for Building Regulations control.
71. Subject to this the layout shows secured and sheltered sitting areas associated with each building and subject to the proposed conditions there should not be any adverse impact on residents, existing or future neighbours.

Enforcement Issues

72. Objectors are rightly concerned that the applicant was carrying out development on the site that did not have planning permission and deviated from previously approved plans. When works were found not to be proceeding in accordance with approved plans the developer was advised to stop immediately or revert to the approved plans. The developer made a number of submissions to resolve the matter but these were deemed to be invalid applications and not accepted. The current application has been validly made and the Council has a duty to consider the planning merits of the scheme as submitted irrespective of any unauthorised works on site and having regard to the previous planning approvals including those determined by a Planning Inspector on appeal.
73. The site has an extant permission for a care home, children's day nursery and private medical centre; however it is not possible to force the developer to complete the site as per those approved plans.

Human Rights Implications:

74. 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 proposed development would not contravene the following basic rights and freedoms which are set down in the Convention. The right to life; the right to liberty and security; the right to fair trial; the right to no punishment without law; the right to respect private and family life, the right to marry; the right to a remedy of human rights abuses; freedom of thought, conscience and religion; freedom of expression; freedom of assembly and association; prohibition of torture; prohibition of slavery and forced labour; prohibition of discrimination and; prohibition of the abuse of rights. The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

75. 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.
76. The proposal relates to providing residential accommodation in three buildings where the residents would have mutual and professional support from employed staff. The car parking and communal areas and gardens are all overlooked from the buildings and public areas. The likely effect of the development is that it would have a neutral impact on preventing crime and disorder in this area. Policy CS3 requires that developments are designed with safety in mind and incorporating Secure by Design and Park Mark standards, as

appropriate. The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report.

CONCLUSION

77. It is considered the application site is a sustainable location in accord with Planning Policy Statement 1, the Core Strategy and Local Plan saved policy HO3. The previous full, outline and reserved matters planning permissions granted in 2004, 2008 and 2009 have established the principle that the site is appropriate for development. The site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997.
78. With regard to the traffic and highway concerns it is noted that the Head of Technical Services accepts that the development would generate less traffic, and meets the parking standards. This scheme is supported by a Travel Plan Framework which if implemented should further 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.
79. 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.
80. Other issues such as layout, landscaping, design and representations about the proposal have all been considered and the scheme accords with Local Plan saved policy HO3 and the Core Strategy.
81. Accordingly, it is considered that the planning application should be approved subject to subject to the signing of the planning agreement for open space contributions and appropriate planning conditions to secure necessary controls over the development.

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

IMPLICATIONS

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:

Core Strategy Development Plan Document
Strategic Housing Land Availability Assessment 2009

Strategic Housing Land Availability Assessment 2010
Stockton-on-Tees Local Plan Saved Policies

Stockton-on-Tees Borough Council Design Guide and Specification.

Strategic Housing Market Assessment (2009)
Housing, care and support strategy for older people in Stockton (2005)
Master Plan for Ingleby Barwick of 1991
Borough of Stockton-On-Tees Open Space Audit (2003)

Application files

03/2212/OUT, 05/0870/OUT, 06/0823/OUT, 06/3752/OUT, 07/0492/REM, 07/1136/REM,
08/2977/FUL, 09/1135/APC, 09/1395/APC, 09/2076/FUL, 09/2957/FUL, 10/1480/ARC,
10/1501/FUL.

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillor K Dixon
Ward	Ingleby Barwick West
Ward Councillor	Councillor R Patterson
Ward	Ingleby Barwick West
Ward Councillor	Councillor Jean Kirby