

DELEGATED

AGENDA NO

PLANNING COMMITTEE

29th May 2013

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

13/0534/VARY

Roseville Nursing Home, Blair Avenue, Ingleby Barwick

Application to vary condition No.1 (Approved Plans), No.2 (Soft Landscaping Works), No.5 (Boundary Treatment) and No.6 (Cycle and Refuse) of planning approval 10/1778/FUL - 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 4 June 2013

SUMMARY

The application site has been subject to a number of planning applications. Development was first approved on the site in outline, for a community centre and children's day nursery with associated car parking. Various applications have since been submitted for a variety of mixed use schemes many of which have been granted permission on appeal, with the latest appeal decision establishing planning permission for an 81 bed care home and 2 blocks of sheltered housing accommodation (totalling 24 beds) and a later application amending one of the sheltered housing buildings (Block B) to a 22 bedroom 'Luxury' care home.

The application site forms part of a larger site to the north of Blair Avenue and to the north west of the Ingleby Barwick local centre. To the west of the site is an area of open space that has recently been fenced off and has been granted planning permission for 48 retirement apartments. Beyond this area lie the residential streets of Rowen Close and Snowdon Grove. To the north is also an area of open grassland, this land has the benefit of an outline planning consent for residential development.

This application seeks under section 73 of the Town and Country Planning Act to vary conditions on a previously approved application. The proposed changes relate to the approved plans, soft landscaping works, boundary treatments and cycle and refuse storage.

Largely as a result on the applicant seeking to retain the existing tarmac areas, the current scheme results in a site dominated by hard surfacing. As a consequence the proposal results in insufficient space for appropriate landscaping, to not only soften the overall development but to also provide a high quality design and environment. Furthermore it is considered that insufficient and unsuitable open space areas are provided. The unjustified and excessive parking provision also undermines the effectiveness of any Travel Plan that would seek to minimise access to the site by the private car, while the loss of cycle parking and changes to the pedestrian layouts are considered to further discourage people accessing the site by alternative modes of transport.

RECOMMENDATION

That Planning application 13/0534/VARY be Refused for the following reasons and the Director of Law and Democracy be authorised to take all necessary enforcement action against the unlawful development.

- Visual Impact;**
01. **In the opinion of the Local Planning Authority the proposed development would fail to make a positive contribution to the visual amenity of the area and provide high standards of inclusive design and integration into the surrounding environment as required by policy CS3(8) and paragraphs 17, 56, 57, 58 & 61 of the National Planning Policy Framework.**
- Inadequate amenity provision;**
02. **In the opinion of the Local Planning Authority the proposed development would not provide sufficient or suitable outdoor open space for the residents of the site, thereby resulting in adequate levels of residential amenity contrary to Core Strategy policy CS3(8), Saved policy HO3 and paragraph 17 of the National Planning Policy Framework.**
- Accessibility/Sustainable modes of Transport;**
03. **The applicant has failed to satisfactorily demonstrate that there is a requirement to increase the level of car parking provision above the Councils adopted parking standards. In the opinion of the Local Planning Authority, this along with reductions in cycle parking and pedestrian access will reduce the sustainability of the site, contrary to Core Strategy Policy CS2(1&3), paragraphs 29 and 34 of the National Planning Policy Framework and guidance with the Council's adopted Supplementary Planning Document (SPD) No. 3: Parking Provision for new developments.**

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

BACKGROUND

1. The application site has been subject to a number of planning applications. Development was first approved on the site in outline, for a community centre and children's day nursery with associated car parking (ref 03/2212/OUT). Later, a further outline application (ref; 05/0870/OUT) but for a much larger site incorporating the whole of the unallocated strip of land north of Blair Avenue sought approval for a mixed use development on the site comprising not only the nursery and community centre but also other uses including retail, pub/restaurant, industrial starter units, health and fitness centre, offices and an area of public open space. The stated intention was that the site was to be developed as an `Eco Park using sustainable materials and ecological friendly construction techniques, although it was subsequently withdrawn. A revised application (ref; 06/0823/OUT), for the same area increased the amount of open space provision and deleted some of the more contentious industrial and commercial/retail uses and was refused on grounds of; highway safety; failure to prove sequentially preferable site were available or justify the development in an out of centre location; impact on the amenity of existing and future occupants of neighbouring properties, and; failure to provide a flood risk assessment.

2. A further application (ref; 06/3752/OUT) sought outline consent for a mixed use development comprising 50 place children's nursery, 75 bed old peoples home, 816 square metre Primary Care Trust building together with associated means of access and car parking, this application was allowed on appeal and was followed by a two reserved matters applications (ref; 07/0492/REM & 07/1136/REM), both allowed on appeal.
3. Planning permission was granted at the Planning Committee on 29 April 2009 for the `Erection of mixed use development for 75 bedroom residential nursing home and 816 sqm private medical centre building and associated vehicular access and car parking (ref; 08/2977/FUL). Although development proceeded on site, it was not in accordance with the approved plans and the applicant made a further application to regularise the situation seeking retrospective planning permission and also to address any enforcement issues (ref; 10/1778/FUL). It again sought a mixed use development that comprised of an 81 bedroom residential care home and 2 no sheltered accommodation units containing 24 apartments. This application was again refused by the Local Planning Authority, with the appeal being upheld.
4. Following further investigations by the Planning Enforcement section it was again discovered that the development had not been carried out in accordance with the approved plans, the proposed changes resulted in the creation of a 22no. bedroom care unit (use class C2) and were considered acceptable by planning committee. The application was approved (ref 12/0807/FUL) in June 2012.

SITE AND SURROUNDINGS

5. The application site forms part of a larger site to the north of Blair Avenue and to the north west of Ingleby Barwick local centre. To the west of the site is an area of open space that has recently been fenced off and has been granted planning permission for a development incorporating 48 retirement apartments. Beyond this area lie the residential streets of Rowen Close and Snowdon Grove. To the north is also an area of open grassland, this land has the benefit of an outline planning consent for residential development and is allocated as such under Local Plan Saved policy HO1f as Ingleby Barwick village 4-6. 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 also a bus stop lay-by and shelter in the public highway next to the site on Blair Avenue, whilst opposite the site lie the All Saints Secondary School, Myton Park Primary school and a Public Library.
6. The site consists of a 2 and 3 storey L shaped care home building (in the east of the site), a smaller block of sheltered accommodation to the south and a further separate care home that occupies the northern area of the site.

PROPOSAL

7. This application seeks under section 73 of the Town and Country Planning Act to vary conditions on a previously approved application. The proposed changes relate to the approved plans, soft landscaping works, boundary treatments and cycle and refuse storage.
8. The main changes to the scheme are the;
 - Retention of the existing parking areas
 - Loss of the two communal garden areas

- Creation of small patio area to the west of Block B
- The loss of footpath linkages to serve the site from Blair Avenue
- Reduction in cycle parking provision

CONSULTATIONS

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

Head of Technical Services

The Head of Technical Services has reviewed the information submitted and objects to the variations of the approved plans for the reasons outlined in this report.

To summarise, the increased number of parking spaces has reduced the amount of landscaping to an unacceptable level and amendments are required to the layout. Whilst parking provision above the permitted standards (subject to accommodating the landscape requirements) may be acceptable, further evidence is required to justify the additional provision. The proposed cycle stands are unacceptable - a reduced provision would be considered but Sheffield type stands are preferred to encourage cycle use. The revised layout also raises highway safety concerns as the segregated footway connecting the buildings to Blair Avenue has been removed.

Highways Comments

The development has been implemented with 50 parking spaces; this is 18 spaces over what was approved (32). Previous highway comments were provided on the basis that the Council's parking standards would permit this development to provide 31 spaces and therefore the provision of 32 bays was considered to be acceptable.

Parking provision above the Council's parking standards is not usually permitted unless evidence can be provided which demonstrates a reasonable case for an increase in provision. An over provision of car parking can restrict the effectiveness of Travel Plan measures and result in the development having a greater traffic impact than forecast.

A Travel Plan was submitted for the development which included a commitment to annual travel surveys. Results from the travel survey would provide an insight into the parking requirements and should therefore be provided.

If car parking demand is outstripping the supply initially forecast and the permitted parking standards, the applicant should commit to exploring measures to minimise car use and promote initiatives that improve the long-term sustainability of the site. The ongoing implementation of the Travel Plan was a condition of planning approval.

The applicant is proposing to reduce the cycle parking provision within the site and this is contradictory to the aims of reducing car trips to the site. If cycle parking demand is lower than initially forecast the applicant should evidence this through the provision of results from their travel survey. The type of cycle stands proposed (cycle slots) are not accepted by the Council. The stands should be 'Sheffield' type stands. Sheffield stands accommodate two bicycles and are the preferred type of cycle parking provision.

The previously approved layout plan (A-02 revision D) provided a footway from Blair Avenue into the site from both the site access and in-between Block A and C. The current proposals (A-02 revision K) show the footway in-between blocks A and C terminating at the car park and

there is no segregated provision to the entrance of either Block. Similarly, there is no footway connection from the access to any of the buildings.

The lack of pedestrian footways is unacceptable and requiring pedestrians to share the access road with vehicles raises a highway safety concern. Footway connections must be provided between the site and the existing footway on Blair Avenue.

The 1.8m wide pedestrian crossing between Blocks B and C has been removed which also removes the access through the car parking bays to the refuse store outside Block C. The current proposals require a bin to be pulled between parked cars which is not acceptable as it could result in damage to vehicles and the removal of a parking space is therefore required to provide access to the refuse store.

In summary, there are highway objections to the variations as:

- The need for additional car parking has not been evidenced and the applicant has not provided any information detailing measures being applied to reduce car parking demand through the Travel Plan;
- The proposed cycle parking stands are not suitable and the justification for reduced cycle parking provision has not been evidenced;
- The layout does not provide a segregated footway between Blair Avenue and the entrance to the buildings; and
- Access to the refuse store at Block C has been blocked by car parking.

Landscape & Visual Comments

The loss of the two communal gardens that featured on the approved plan (drawing A-02 revision D) is unacceptable in terms of the amenity of the residents and the setting of the surrounding buildings.

The additional car parking is also considered to be an over development of the site.

It is noted that further land has been acquired to the west of the buildings. The land to the west is considered inappropriate for a communal garden due to distance from the buildings and the proximity to the main access road.

The additional land does however enable a small paved patio area to be created to the west of Block B. It is considered an inappropriate location for a patio area as residents using this area may be overlooked by further neighbouring development, as such the patio is unlikely to be used to its full potential. If the patio is deemed acceptable under planning regulations in this location then the shape of the patio should be revised. It is recommended that this patio should be increased in length to enable its width to be reduced by 3m. This reshaping of the patio would enable a meaningful landscape buffer to be introduced between the patio and the 1.8m high fence line to provide a visual buffer for its users and an appropriate setting for the building. It is noted that the 1.8m high fence as proposed would also cast a shadow over the patio on evenings potentially making the full area unsuitable for use. The instruction of planting and reshaping of the patio area should overcome this concern.

As the direct result of the introduction of a fire/access path around Block C, the layout of the landscaping has been reduced to an unacceptable width both in terms of visual amenity and establishment. The layout does also not provide a segregated footway between Blair Avenue and the entrance to the buildings and its instruction would require either the removal of the proposed fire/access path or the proposed landscaping to the west of the access road.

If planning approval is granted, a fully detailed planting plan and specification would be required to be conditioned along with the provision of maintenance details. More planting is also required broadly in line with the previous plan. This would provide definition to the western boundary and would provide meaningful planting around the communal garden area

and a buffer to the existing hedge on the northern site boundary. Tree planting should also be included as shown in the previously approved layout.

With reference to the approved plans it is noted that much of the drainage for the building runs under shrub beds with manholes located within planting areas. Clearly access would be required to these manholes and the detailed planting plan must reflect this constraint. The drainage runs may also affect the proposed tree planting and separation distance between internal drainage and trees should be provided in accordance with good practice.

With regards to the boundary treatment (Condition 5), there is no objection to the use of the metal railings on the communal garden southern boundary and the ranch style timber fence on the western boundary. However the rear garden close board fence in front of the existing hedge should not be used and planting should be reinstated to this area as per the previously approved plan.

Councillor K Dixon

Please note my strong objections to the variance of Planning Permission given to Roseville Nursing Home, Ingleby Barwick Ref, 13/0534/VARY.

Soft Landscaping at 1 & 2. In the original plans and the plans passed on appeal there are two areas designated for communal areas firstly between the original building and the new build at facing onto Blair Ave and also at the front of the new rear building. Both these areas are designed as communal areas for the residents to use, there are no local nearby park areas for these residents to use in safe walking distances, Romano Park is primarily for the use of youngsters and is designed as such! Where are these residents supposed to sit and relax in a relaxing environment, this is the whole idea of the communal areas.

Cycle shed at 6. It appears to me that great play was set on the great travel routes throughout Ingleby namely Cycle and Pedestrian ways, bearing this in mind if you take the sheds away where will these people park their bicycles? This would seem more of a disincentive for residents and staff to use cycles.

Fencing at 5 Again there is nothing wrong with the approved fencing and can see no advantage in replacing them with the variance plans.

It seems to me that the resident's needs should come as a priority rather than any cost cutting exercise, after all these plans have been approved up to and after planning appeal.

Councillor Jean Kirby

I totally agree with Ken, he has been flagrant with the planning policies and to again put in retrospective to what was agreed, so he does not have to dig the car park up, for the apartments which was one of the conditions in the previous applications. I am lost for words when it comes to this gentleman and this overdevelopment of this site.

Councillor D C Harrington

I fully support the observations made by my colleague, Councillor Dixon.

Councillor R Patterson

I fully agree with Cllrs Dixon and Kirby.

PUBLICITY

10. Neighbours were notified and no comments have been received.

PLANNING POLICY

11. 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 saved policies of the Stockton on Tees Local Plan.
12. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.
13. The following planning policies are considered to be relevant to the consideration of this application:-

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

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

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

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

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.

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).

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

Saved 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.

National Planning Policy Framework (NPPF)

14. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
 - specific policies in this Framework indicate development should be restricted.

15. The relevant sections of the NPPF include;
- Section 1. Building a strong, competitive economy
 - Section 4. Promoting sustainable transport
 - Section 6. Delivering a wide choice of high quality homes
 - Section 7. Requiring good design
 - Section 8. Promoting healthy communities

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations of this application are compliance with planning policy and the impacts of the proposed development of the character of the area, the amenity of neighbouring occupiers and access and highway safety. These considerations are set out below;

Principle of development;

17. Under the relevant saved policies of the Local Plan the site is unallocated and although its original intention may have been as open space, it was never formally designated as such. As has been set out earlier in the report the application has been subject to many planning applications and a level of development has already been accepted and established on the site through a series of planning approvals.
18. The site is within the Limits to Development as defined by the local plan and was previously considered to be a sustainable location for a development of this type. 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. The principle of development is therefore considered to be acceptable subject to the considerations set out in this report.

Character of the area;

19. The National Planning Policy Framework (NPPF) places a large emphasis on requiring good design. Not only is it a core planning principle (as set out at paragraph 17 of the NPPF). Section 7 of the NPPF sets out design considerations in greater detail with paragraph 56 making it clear, that it is something the Government attaches great importance too and that it is a key aspect of sustainable development. Paragraph 58 in particular sets out that planning

decisions should aim to ensure that developments function well; incorporate green and other public open space; and, are visually attractive as a result of good architecture and appropriate landscaping. While Paragraph 61 builds on this further, outlining that securing high quality and inclusive design goes beyond aesthetic considerations and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

20. The general layout of the site and buildings follows that of latest approvals including that won on appeal. The proposed buildings remain two and three storeys in height and the scale of these buildings has previously been established. Despite the prominent location of the site within Ingleby Barwick, the design of the buildings has also been accepted. The appearance of the buildings and layout of the site externally therefore remain in accordance with previous decisions and are largely acceptable.
21. In terms of the internal appearance of the site the loss of the communal garden areas severely limits the opportunity for additional landscaping that would help to soften the appearance of the buildings, provide a sense of place and a high quality environment. Furthermore as a result of the introduction of the fire escape/access path round block C, the layout of the landscaping has been reduced to an unacceptable width.
22. The communal garden areas and landscaping are considered to be of critical importance given the tight nature of the site, the overall scale of the buildings and its prominent position in the centre of Ingleby Barwick, without such features the internal layout of the site (as proposed) is dominated by hard surfaced car parking areas creating a feeling of over-development that does not provide for an acceptable design solution for the site. More planting is also required to the western boundary, which would provide meaningful planting around the communal garden area (as proposed) as well as provide a buffer to the existing hedge on the northern site boundary. It is also considered that further tree planting should be included to both soften the development and enhance the visual amenity of the area.
23. As a result the current proposal is not considered to provide a high quality design solution and proposal does not accord with the requirements of policy CS3(8) of the Core Strategy, saved Policy HO3 or the requirements of paragraphs 17, 56, 57, 58 & 61 of the NPPF.

Amenity;

24. The existing housing areas of Snowdon and Cradoc Groves and Rowen Close are approximately 200m to the west as a consequence the proposed development is unlikely to have a detrimental impact on these residents. The properties to the north-east of the site (Broadoaks Way) are at a slight angle to the proposal and are some 140m metres away and it is also considered that the development will not have a detrimental impact on these residential properties. A library, Myton Park Primary and All Saints Secondary schools lie directly to the south of the site and are over 100m from the site. Although land is allocated for further housing to the north of the site, the relationship between the proposal and any future housing would need to be considered at that time and it is considered that satisfactory arrangements can be made. It is considered therefore that satisfactory levels of amenity and privacy are retained for the surrounding properties.
25. The internal relationships between the care homes and sheltered housing accommodation are considered to be acceptable and reflect those previously accepted in earlier decisions and on appeal. Therefore all future residents of the site will have an acceptable level of amenity and should not suffer from any significant loss of privacy or daylight to their rooms/accommodation.
26. During the previous appeal decision (ref APP/H0738/A/10/2139502) the Inspector noted that the gardens would be for communal areas (for the then sheltered accommodation) and, as a result that expectations are not likely to be the same as family accommodation. The Inspector

concluded that he was satisfied that there would be adequate and suitable amenity space for the development as a whole. However, the current proposal seeks to amend this layout and the loss of two previously approved garden areas gives cause for significant concern.

27. Whilst it is noted that further land has been acquired to the west of the buildings (delineated by a hatched area on the site plan). Much of this land to the west of block C is also divorced from the buildings and not ideally suited, particularly in the southern area, which would be sited adjacent to a highly trafficked road (Blair Avenue) and the main access to the site. It is considered that this area would be better suited for further landscaping than grass although should the application be approved a planning condition could be imposed to require these details.
28. Although the additional land will allow for the creation of a small patio area to the west of block B, it is considered to be of an insufficient size to serve the needs of this block, and whilst further space surrounds the building (particularly to the north) it is not considered that this is sufficient enough to provide and meet the needs of the residents of this part of the development. Furthermore the siting of the patio area is considered inappropriate, as residents may feel overlooked as a result of a neighbouring development of 48 no retirement apartments (ref 11/0113/FUL). The approved layout of this scheme would introduce apartments close to the boundary with primary habitable room windows facing north, giving the perception of being overlooked at the very least.
29. In view of the above the proposed change and removal of the communal garden areas would mean that there is little or no suitable amenity areas for the residents of Blocks B and C and It is considered that without these areas of open space, the residents of these two buildings will not have sufficient or satisfactorily suitable areas in which to sit and relax. As a consequence this would result in unacceptable levels of amenity for the residents of these buildings and be contrary to the requirements of policy CS3(8), saved policy HO3 and the NPPF (paragraph 17).

Access and highway safety;

30. The Head of Technical Services has noted the context of the previous planning approvals and considered the development against the relevant planning guidance. The level of parking provision at 50no. spaces is an increase of 18no. spaces and is well in excess of the Councils minimum parking standards of 31 spaces. Provision above this standard is not usually permitted unless evidence can be provided which demonstrates a reasonable case for an increase in provision. Any over provision of car parking is considered to seriously restrict the effectiveness of any Travel Plan measures and result in a greater traffic impact than previously forecast.
31. If car parking demand is outstripping the supply initially forecast and the permitted parking standards, the applicant should commit to exploring measures to minimise car use and promote initiatives that improve the long-term sustainability of the site. The reduction in cycle parking provision within the site further contradicts the aims of reducing car trips to the site. As a result the scheme is considered to be contrary to the aims of reducing the dependency on the car.
32. The previously approved layout plan provided a footway from Blair Avenue into the site from both the site access and in-between Block A and C. The current proposals (A-02 revision K) show the footway in-between blocks A and C terminating at the car park and there is no segregated provision to the entrance of either Block. Similarly, there is no footway connection from the access to any of the buildings. The lack of pedestrian footways is unacceptable and requiring pedestrians to share the access road with vehicles raises not only a highway safety concern but again also makes the site unattractive to modes of transport other than the private car.

33. Given the above, it is therefore considered that the proposed changes to the development have not been adequately justified and will reduce the effectiveness of accessing the site by alternative modes of transport to the car. Consequently it is considered that the overall sustainability of the site is undermined contrary to policy CS2(1&3) and paragraphs 29 & 34 of the NPPF.

Residual issues;

34. The Ward Councillors objections are rightly concerned that the applicant has been carrying out the development without planning permission and contrary to the previously agreed scheme. Whilst this is in no way condoned, the Council has a duty to consider the planning merits of the scheme as submitted and irrespective of any unauthorised works. The retrospective nature of the proposals does not justify refusal of the application, although should the scheme be considered unacceptable appropriate enforcement action must be considered.

CONCLUSION

35. Largely as a result on the applicant seeking to retain the existing tarmac areas, the current scheme results in a site dominated by hard surfacing. As a consequence the proposal results in insufficient space for appropriate landscaping, to not only soften the overall development but too also provide a high quality design and environment. Furthermore it is considered that insufficient and unsuitable open space areas are provided, resulting in substandard levels of residential amenity for the residents of blocks B and C of the development.

36. The unjustified and excessive parking provision also undermines the effectiveness of any Travel Plan that would seek to minimise access to the site by the private car, while the loss of cycle parking and changes to the pedestrian layouts are considered to further discourage people accessing the site by alternative modes of transport.

37. This current application is considered to be contrary to Policies CS2 and CS3 of the Core Strategy, Saved policy HO3 of the Local Plan, Guidance within the National Planning Policy Framework and SPD no.3. It is therefore recommended that the application be refused and that the director of law and democracy be authorised to take all appropriate and necessary enforcement action to provide a satisfactory form of development.

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

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West
Ward Councillors Councillor Ken Dixon, Ross Patterson and David Harrington

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act has been considered and taken into account in the preparation of this report.

Environmental Implications.

As set out in the report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers.

Stockton on Tees Core Strategy

Stockton on Tees Local Plan

National Planning Policy Framework (NPPF)

Planning Applications; 03/2212/OUT; 05/0870/OUT; 06/0823/OUT; 06/3752/OUT; 07/0492/REM; 07/1136/REM); 08/2977/FUL; 10/1778/FUL; 11/0113/FUL and 12/0807/FUL.

Planning Appeal decisions; APP/H0738/A/07/2042247; APP/H0738/A/07/2043481;

APP/H0738/A/07/2047869; APP/H0738/A/10/2139502; & APP/H0738/A/11/2157179

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework