

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

9 NOVEMBER 2016

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

16/1891/REV

1 Abbeyfield Drive, Eaglescliffe, Stockton-on-Tees

Revised retrospective application for change of use from care home (C2) to hotel (C1) and single storey rear extension (non retrospective).

Expiry Date 15 November 2016

SUMMARY

The site is located within Eaglescliffe with the predominant surrounding use being residential and properties being located along Butterfield Drive to the west and to the south along Butterfield Close. The northern boundary is shared with Junction Farm Primary School.

Retrospective planning permission is sought for the change of use of the property from a care home (C2) use to a hotel (C1) use with a total of 14 bedrooms. In addition, the proposal seeks consent for a single storey extension to the rear (north) which has not yet been constructed. The unauthorised change of use took place in March 2015. However, an earlier application submitted in January 2016 (16/0032/FUL) was withdrawn as no sequential test information was provided, given that a hotel is a main town centre use and requires justification through a sequential test.

A total of 132 objections letters have been received, which in the main, suggest that the proposed use is in an unsuitable location for a hotel given the site is within a residential area. Other objections include the close proximity to the school, safeguarding issues to the school due to the nature of the hotel use, the increase in traffic, congestion and parking issues: impact on pedestrian safety; anti-social behaviour and littering; devaluation of properties; a restrictive covenant on the property restricting the premise to over 55's; and, there being no requirement for the hotel use as there are existing hotels within the Yarm area.

As part of this revised application a sequential test has been submitted. It provides evidence that within the last two years there have been no alternative sites which could have provided a similar site for the proposed hotel use within any of the Boroughs town centres or within an edge of centre location. In addition, there were considered to be no other properties of the same scale which could be converted for the proposed use, the submitted sequential test is therefore considered to be acceptable.

The northern boundary is shared with Junction Farm Primary School with several of the existing first floor windows on the north elevation facing towards the school. Consideration has been given to safeguarding of the children at the school and as part of any approval it is recommended that a condition requiring that the first floor windows are obscurely glazed with restricted opening. Consideration has been given to the potential impact of noise from the hotel use. In light of the fact

the previous use was for a care home which would include visitors along with the fact the premise is set back from the main highway and from any neighbouring residential properties, the potential noise impact is not considered to be significant with no issues having been raised with the Environmental Health Officers in terms of noise since the commencement of the hotel use.

The Highways Transport and Environment Manager has considered the application and has no objections to the proposal as the parking provision accords with the guidance set out in SPD3 - Parking For Developments. Further due to the proximity of the site to the Orchard Parade Neighbourhood shops, there are good public transport links to Yarm High Street and being less than 1 mile to Yarm High Street, the proposal is considered to be accessible by foot and cycle and is therefore considered to be within a sustainable location.

The single storey extension to the side of the building is considered to be of a suitable scale to the original building and will match the existing modern design of the building and the character and appearance of the street scene. The extension is not considered to affect the privacy or amenity of the neighbouring land users

Taking the above factors into consideration, the application site is considered to be located within a sustainable location with good public transport links and within walking distance of both the Orchard Road shopping centre and Yarm Town Centre and is not considered to have a detrimental impact on the vitality or viability of Yarm. The applicant has demonstrated through the sequential assessment that no suitable properties of a comparable size were available to meet the businesses requirements when the use commenced operation and nor since the use commenced. The proposal is therefore considered to accord with the guidance set out in paragraph 24 of the National Planning Policy Framework. Furthermore, having considered the previous commercial use of the property as a care home and the recommended condition for the first floor windows at the premises, the proposal is not considered to have any significant impact in terms of the amenity of the neighbouring land users or adversely affect highway safety.

RECOMMENDATION

That planning application 16/1891/REV be approved subject to the following conditions and informative:-

Approved Plans;

01 The development hereby approved shall be in accordance with the following approved plans;

| Plan Reference Number | Date on Plan |
|------------------------------|----------------------|
| 15/51/10 | 19 July 2016 |
| 15/54/08 | 1 August 2016 |
| 15/54/04 | 1 August 2016 |
| 15/54/06 | 1 August 2016 |
| 15/54/07 | 19 July 2016 |
| 15/54/09 | 1 August 2016 |
| 15/54/03 | 1 August 2016 |
| 15/54/02 | 19 July 2016 |
| 15/54/05 | 1 August 2016 |
| 15/54/01 | 1 August 2016 |
| 15/54/11 | 19 July 2016 |

Reason: To define the consent.

Windows – obscure glazing and restrictive opening

- 02 Within six weeks of the date of this approval notice, the existing windows on the northern elevations of the building shall be fitted with obscure glazing to a minimum obscurity rating of level 5. Any opening windows shall also be fitted with a restricted opening mechanism, limiting opening to a maximum of 150 mm. The agreed scheme shall remain in place for the lifetime of the use hereby approved.**

Reason: In order to limit the impacts of the proposed development on the amenity of neighbouring school users in accordance with the guidance contained within the National Planning Policy Framework paragraph 17.

Materials

- 03 The materials used in the construction of the walls and roof of the hereby approved single storey extension, shall match those within the existing main dwelling.**

Reason: To ensure a satisfactory form of development.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

BACKGROUND

1. A previous application for a single storey office extension to the side (west) was approved in September 2001 (01/1292/P).
2. An unauthorised change of use of the premise occurred in March 2015. The previous application for the change of use of the property from a care home (C2) to a hotel (C1) and single storey extension to the rear (16/0032/FUL) was withdrawn as no sequential test information was submitted.

SITE AND SURROUNDINGS

3. The application site is a detached building located on Abbeyfield Drive in Eaglescliffe. The building is located within a residential area with residential properties located to the west along Butterfield Drive and to the south at Butterfield Close. The northern boundary to the rear is shared with Junction Farm Primary School.
4. The building is set back from the main highway at Butterfield Drive with the front elevation and entrance to the building facing south towards Abbeyfield Drive. Hard standing car parking provision is located to the south and east of the building with a small yard area located to the north.
5. Along the eastern side of the application site is a hard standing car park area which is utilised by Junction Farm Primary School.

PROPOSAL

6. The applicant is seeking retrospective consent for the change of use of the former care home (C1) to a 14 bedroomed hotel. The proposal includes a dining room/lounge area, kitchen and office space.
7. The proposal includes a single storey extension to the north side of the existing building to provide an extension to the existing office area. The extension will project 3.5 metres with a length of 6.6 metres with a pitched roof height of 4.6 metres. The extension will have two windows facing towards Butterfield Drive with a window and door on the rear elevation. The brick work, roof tiles and window materials will match those of the original property.

8. The proposal includes the relocation of the existing shed within the rear yard area towards the boundary with Junction Farm Primary School.
9. The submission also indicates that the hotel would operate on a 24 hour basis for visiting guests, 365 days a year.

CONSULTATIONS

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

Cleveland Police - Stephen Davies - I have checked with local Police team who confirm no issues have been brought to their attention with regard this premises. No further comments re change of use

Parish Council - Egglecliffe & Eaglescliffe Council (E&EC) has considered the above application for change of use from care home (C2) to hotel (C1) and single storey rear extension (non retrospective), at 1 Abbeyfield Drive, Eaglescliffe. The parish council's comments are:

In order to allay the fears of local residents to some extent, E&EC supports the applicant's suggestion of a condition on the times of occupancy which will not harm the value of the hotel to contractors but would probably discourage the general public from using it as they will not want to be so restricted in their use of the rooms.

The proposed parking provision in the previous application for this property involved taking a strip of land which was public property, part of the school curtilage. Any question of trespass is a matter which can be enforced only by the landowner but E&EC would be interested to know whether it was resolved. E&EC appreciates that lack of land ownership by the applicant is not a material planning consideration, but would be happier if any approval could be so worded as to require the proposed parking to be available. E&EC would also be interested in how the restricted parking is going to be enforced and would hate to think council tax payers would have to fund parking enforcement. Perhaps a practical physical restriction and/or CCTV enforcement of parking enforcement at the cost of the applicant should be part of their submission

Highways Transport and Environment – The Highways, Transport & Environment manager has no objections to the proposal. In accordance with SPD3: Parking Provision for Developments 2011, a hotel should provide 1 incurtilage car parking space per 2 bedrooms plus 1 space per 5m² public floor area. This proposal has 14 bedrooms and a 44m² lounge therefore 16 spaces should be provided. The rear car park has 12 spaces and a further 4 spaces can be accommodated adjacent to the entrance therefore incurtilage car parking is provided in accordance with SPD3. There are no other properties on Abbeyfield Drive therefore any on-street parking on Abbeyfield Drive would not affect other residents. There are no highway objections.

Environmental Health Unit - I have assessed the impact of the development focusing predominantly upon the likelihood of noise disturbance arising from the proposal. I can confirm that Environmental Health have not received any noise related complaints from the premises when operating as either a care home or the retrospective hotel. The premise is situated within its own grounds and is not directly attached to any sensitive receptors i.e. residential dwellings that could be affected by the proposal. As such I have no objection in principle to the development and do not feel that conditions need to be imposed from an Environmental Health perspective.

PUBLICITY

11. A total of 132 letters of objection have been received in relation to the application and the list of objectors is attached as Appendix 1. A summary of the reasons for objection are set out below:-

Principle of development

- Unsuitable and no requirement for hotel/hostel/B&B in a residential area, existing guest houses in Yarm Road. Preston Farm so no requirement
- No facilities for tourists/ visitors and ample hotels in the locality, no local community benefit
- Restrictive covenant in place for over 55 use only and comments local Authority not enforcing the covenant due to cost implications
- Principle should be refused and applicant advised not to reapply as wasting Council time and tax payers' money.
- Alluding to other uses which would be permitted development is attempt to threaten and scare residents

Highway objections

- Increase in volume of traffic causing congestion
- Highway risk to children walking to school. Crossing the entrance road to Abbeyfield Close
- Limited parking in the area for school already
- Restrictive parking at the rear of the site would exacerbate the current parking issues
- Access issues
- Previous care home use would have limited vehicle movement and proposed hotel use with lack of public transport would have rapid vehicle movements between 8.30 to 9 when school hours. Should restrict hotel use till after the after school club finishes.

Amenity issues

- Close proximity of premises generates safeguarding issues, dangerous for pupils at Junction Road Primary School whilst within school grounds and outside school grounds with Head Teacher and manager at Butterfield Primary raising concerns on their duty of care functions.
- Contravention of United Nations Convention on the rights of a child, especially Article 3, Article 34 and Article 41, of which the country is a signatory and disregarding the recommendations on safeguarding in and around educational establishments as stated in the Bichard Inquiry Report into the Soham Murders.
- Unknown and unchecked background for hotel residents using hotel generates safeguarding issues.. Easier to 'police' the previous over 55 accommodation particularly if managed by a Housing Association.
- Guests may include homeless/contractors/half way house/x-offenders/drug rehabilitation
- Anti-social behaviour/ inappropriate language, litter/ cigarette butts over the fence into school playground/ damage in and around the development, second hand smoke from back yard area.
- Height of building and the extension generates overlooking and loss of privacy to school and neighbouring properties
- Plans do not show the day nursery / 2015 school extension and proposal could impact on future school expansion
- Noise issues
- Any CCTV in place at property towards the school generate issues as no permission from parents to allow filming
- Proposal would mean would be unable to allow children to play on the field next to the school.
- Contravenes 'Keeping children safe in education statutory guidance for schools and colleges' July 2015, 'Working Together to Safeguard Children 2015'. Schools and colleges should work with social care, the police, health services and other services to promote the welfare of children and protect them from harm.
- Would change the nature of a residential area

Residual issues

- Inadequate consultation period / inadequate consultation area and consultation took place within school holidays so should be extended.

- Could mean parents chose not to send pupils to the school
- Flood risk
- Devalue local house prices
- How allowed to operate with no planning permission/breach of planning regulations and to withdraw and re-submit application would be more beneficial as a care home/home for children or adults with disabilities.
- Open door to other applications to serve alcohol under licensing
- No difference in this application and the previous withdrawn application
- Taken additional area of land which belongs to the council
- Listened to objections to hotel in Yarm when no safeguarding issues
- Housing Association offered to buy the building so incorrect for agent to state in Design and Access Statement to state financial viability as an argument.
- Legal requirement for SBC to ensure provision of over 55 accommodation and duty of care that guests should be vetted.
- CABE discourages hotels near schools in low density urban locations

PLANNING POLICY

12. 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.
13. 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
14. The following planning policies are considered to be relevant to the consideration of this application.

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

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 4 (CS4) – Economic Regeneration

- iv) Growth in sustainable tourism, particularly in the following locations:
- a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 5 (CS5) - Town Centres

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

National Planning Policy Framework

15. 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.

Paragraph 23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full

and are not compromised by limited site availability. Local planning authorities should 8 | National Planning Policy Framework therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and - where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

Paragraph 24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

MATERIAL PLANNING CONSIDERATIONS

16. The main considerations of this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the amenity of the neighbouring land users, the impact on highway safety crime and disorder and any other residual matters, They are considered in detail below;

Principle of development

17. The site is located outside of and defined retail centre and lies within a predominantly residential area of Eaglescliffe. A hotel is classed as a main town centre use within the National Planning Policy Framework. The guidance set out in both national and local policy is that main town centre uses should be located within defined centres followed by edge of centre locations. If they are not within these locations then a sequential assessment is required to demonstrate why such a facility cannot be accommodated within more central areas.
18. Although the application is for retrospective consent the applicant has submitted a sequential test to justify the location of the proposal outside of the town centre location. The sequential test which include estate agents comments, show that just prior to when the hotel was brought into use there were no properties within any of the boroughs town centres which would have been able to accommodate the proposed use or could have been converted for the proposed use. Specific reference has been made to Yarm Centre and the edge of Yarm Centre. Within the last two years only the Sunnyside Hotel, 580-582 Yarm Road for 23 guest rooms has been on the market however this is no longer available. It is therefore considered that the proposal accords with Core Strategy Policy CS5 (7) and the National Planning Policy Framework in this regard.
19. The guidance set out in Paragraph 23 of the National Planning Policy Framework sets out that it may not be possible to accommodate all forecasted needs within the town centre as there may be physical or other constraints which make it inappropriate to do so. The guidance advised that in those circumstances, planning authorities should plan positively to identify the

most appropriate alternative strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests. The aim of the guidance is to ensure that any proposed main town centre uses which are not located within an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise. It is considered that the scale of the proposed hotel use at 14 bedrooms along with the good public transport links and walking distance of less than 1 mile to Yarm High Street ensures the hotel use would not adversely impact on the vitality of Yarm Town Centre.

20. The proposed hotel use is considered to represent sustainable development, being within walking distance of the Orchard Parade neighbourhood centre, within good public transport links to Yarm Town Centre and approximately 1.2 miles walking distance along the main highway to Yarm High Street.
21. Objection comments have been received that there are more preferable uses for the site including care/children's homes and that the area to the rear of the site could be utilised as a children's play area. These comments are noted, however, consideration can only be given to the change of use proposal which has been submitted and not for any other proposed use.

Character and Appearance

22. The application site is an existing modern detached building set back from the main highway at Butterfield Drive in Eaglescliffe. The entrance to the property faces towards Abbeyfield Drive (south) with residential properties located to the east and south of the site along Butterfield Drive and Butterfield Close. The northern boundary is shared with the main school building and porta-cabins at Junction Farm Primary School. To the rear (east) is the hard standing car park area for the hotel and a separate car park Junction Farm Primary School.
23. The proposal includes a single storey extension to the north side of the existing building to provide an extension to the existing office area. The extension will project 3.5 metres with a length of 6.6 metres with a pitched roof height of 4.6 metres. The extension will have two windows facing towards Butterfield Drive with a window and door on the rear elevation. The brick work, roof tiles and window materials will match those of the original property. The design and scale of the extension and windows are considered to fit in with the original character and appearance of the property.
24. The existing store building located towards the centre of the yard area to the rear of the building will be repositioned towards the boundary with Junction Farm Primary School. Given the height and screening provided by the existing boundary hedge and fence, the relocation of the store building will not impact on the character and appearance of the street scene.
25. Overall, the scale, design and materials for the extension is considered to fit in with the character and appearance of the original property and is therefore considered to accord with the guidance set out in paragraph 131 of the NPPF and Core Strategy CS3(8).

Amenity

26. The application site has residential properties located to the west and south of the site with Junction Farm Primary School adjoining the northern boundary. The proposal includes a single storey extension to the side (north) of the main building which includes windows on the west and east side elevations. The separation distance which will be retained are approximately 30 metres to the residential properties along Butterfield Drive. Further, the 1.8 metre high fence and hedge along the northern boundary with the school means the proposed extension is considered to have no significant impacts in terms of loss of privacy, potential overbearing or loss of light to the neighbours along Butterfield Drive or the users of Junction Farm Primary School.

27. The proposed change of use of the building is from a care home to a hotel use with six proposed bedrooms/en-suites, living/dining room and kitchen on the ground floor and eight bedrooms and en-suites on the first floor. Objection comments have been received in terms of the potential overlooking and resulting safety concerns for the bedrooms/en-suite windows on the northern elevation given the proximity to Junction Farm Primary School.
28. The ground floor windows of the building are screened by the 1.8 metre high fence and hedge treatment. There are 6 first floor windows on the first floor north elevation which face towards the school boundary. Concerns have been raised that the site location plan does not include the school extension from 2015 and the nursery. However these buildings and the separation distances have been considered as part of the submission. The separation distance to the boundary is 4 metres with the separation distance to the school buildings/2015 school extension being 19 metres and the porta-cabins being a minimum of 11 metres.
29. The proposal does not include any additional windows on the side elevation of the building with those windows previously enabling views towards the school. However, to alleviate any potential concerns regarding overlooking (given the proximity of the development to the school), a condition is recommended that as part any approval the first floor windows will be obscurely glazed with opening restrictions and that these shall be installed within 6 weeks of the permission.
30. The remaining windows on the west, east and south elevations of the property are a minimum of 30 metres from the neighbouring residential properties along Butterfield Drive and Butterfield Close and due to the separation distances are not considered to impact on the amenity of these neighbours.
31. A number of objections have been raised about the impacts on the amenity of the residential properties through the proposed use as a hotel and its 24 hour operation in a residential area, particularly with regards to an increase in noise levels and highway traffic. Paragraph 123 of the National Planning Policy Framework requires planning decisions to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and to mitigate and reduce to a minimum other adverse impacts on health and quality of life. The building is set back from the neighbouring residential properties with the dining area catering for breakfast for guests only. The Council's Environmental Health officers have considered the proposed change of use and have commented that since the use commenced in March 2015 there have been no reported noise incidents. Furthermore, they have no objections and they considered there is no requirement for any conditions to be placed on any approval for the proposed use.
32. A number of objection comments have been received regarding the proximity of the school and to the hotel and the potential safeguarding risks with having unchecked hotel users within such close proximity to the school grounds. Cleveland Police have commented that since the hotel opened in March 2015 there have been no reported incidents and in addition they have no objections to the proposed use of the premises as a hotel. The management processes within the hotel maintain a register of the occupants of the rooms including address and business details. Furthermore, the windows on the first floor of the building which face towards the school would be obscurely glazed with restrictive openings following any planning approval.

Highway Safety

33. Parking provision within the site is accessed off Abbeyfield Drive and includes four car parking spaces located adjacent to the front entrance and 12 spaces within the car parking area to the rear of the premises.

34. The Highways, Transport and Environment Manager has no objections to the proposal as the sixteen car parking spaces accord with the parking guidance set out in SPG3 – Parking provision for Developments for a hotel of this scale.
35. Despite the objections received it is noted that there are no residential properties located along Abbeyfield Drive and in the event that cars park on Abbeyfield Drive, the Highways, Transport and Environment Manager considers that any potential on-street parking will not affect highway safety.
36. Comments have been received from Egglecliffe and Eaglescliffe Council querying the ownership of the strip of land to the rear of the premises set out as car parking which they understood to be public property and any future associated parking enforcement issues. The hard standing area to the rear of the site is shown within the applicant's ownership with adequate parking provision provided for the scale of the hotel use therefore no enforcement CCTV provision is considered necessary.
37. Objection comments have been received that the proposed use would increase traffic congestion and would result in an increased risk to children walking to school. The application site has sufficient parking provision within the curtilage for the hotel use according to SPD3 and as the access to the site is an existing access there is considered to be no additional highway or pedestrian safety issues

Crime and disorder

38. Concerns have been raised with regard to potential anti-social behaviour generated by the hotel use. 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. Whilst there is no evidence to link such issues to the hotel use, any potential problems arising from this behaviour can be dealt with by other methods such as by the police service or community enforcement section and would not be a reason to warrant refusal of the application.
39. Cleveland Police have commented that they have has no reports of any issues with the hotel since the use commenced in March 2015 and have no objections to the proposed use. Consequently there is no evidence to suggest that the use causes any significant anti-social behaviour issues. Further, the behaviour of the guests would be a management issue and is not a material planning consideration.
40. Although not a material planning consideration, objection comments received in relation to secondary smoke from the yard of the hotel to the school yard area are noted. However, the yard is open to the elements and is not prohibited under current smoking legislation and there are is no planning or environmental health legislation which can control smoking in the rear yard area.

Residual matters

41. Objection comments have been received regarding the legal restrictive covenant in place at the property which restricted the age of the occupants of the care home to over 55. The covenant is a third party matter and does not affect whether planning permission is granted. Should the application be granted planning permission then the applicant would need to contact the Council who have the benefit of the covenant to vary the covenant and failure to do so would be a legal consideration in terms of enforcement action.
42. Several objection comments have been received that as this application is retrospective and as the previous application was withdrawn this should be refused as the applicant is disregarding planning legislation. The previous application was withdrawn due to the lack of a sequential test and despite the application being retrospective it has to be considered on its own planning merits and the relevant material planning considerations.

43. Comments have been received objecting to the intended users of the hotel as they could be ex-offenders, drug users, homeless with the premises being utilised as half way house. The application is for a hotel use and not a hostel or half way house and the planning application is considered on that basis
44. An objection comment has been received that any CCTV installed on the building facing towards the school would require parent's consent. The proposal includes no CCTV installation.
45. With regards to the consultation process, objection comments have been received that the application was submitted during the school holiday period with insufficient time to comment. Consultation for the statutory 21 days was provided, along with a site notice (for those residents who do not live within immediate proximity of the site). Sufficient notice has therefore been given and any neighbour comments will be considered up until the planning committee meeting.
46. An objection comment has been received that the proposal would create a flood risk. The application site is an existing building which is located outside of any flood risk zones and the addition of a single storey extension to the side is not considered to have any significant flood risk implications.
47. Concerns have been raised that approval of this application would lead to a further licensing application to serve alcohol from the premises. Any licensing requirements are entirely separate from planning legislation and this application can only consider the planning use class. Any intention to serve alcohol from the premises would therefore be the subject of a separate licensing application.
48. Objection comments have been received that the proposed use would devalue the house prices within the estate. This is not a material planning consideration that can be considered as part of this application.
49. An objection comment has stated that if the application is approved then this is ignoring the obligations to children and parents of the pre-school and the school. Further, it would be a contravention of the United Nations Convention on the rights of children especially Article 3, 34 and 41 and is disregarding the recommendations stated within the Birchard Inquiry Report into the Soham murders; contravenes Keeping children safe in education statutory guidance July 2015; and, Working Together to Safeguard Children 2015. Whilst noted, there is no evidence to suggest that a hotel next to a school increases the risk to children within the school with the school themselves having safeguarding measures in place to ensure the children are not at risk. For the avoidance of any doubt the users of the hotel (or any other property or member of the public) do not have access to the school.

CONCLUSION

50. Whilst noting the application site is located outside of the main town centre and edge of centre, as required under the NPPF Guidance, the submitted sequential test provides evidence that since March 2015 there have been no suitable premises in the centre or edge of Yarm which could be either converted or currently have planning permission for a 14 bedroom hotel use.
51. It is considered that the hotel is within a sustainable location within walking distance of Orchard Parade services and with good public transport links to Yarm Town Centre and the location of the hotel with close proximity to Yarm High Street means it is not considered to have a detrimental impact on the vitality or viability of Yarm.

52. There is no undue risk to highway safety with adequate parking provided within the curtilage of the site and the highway access being provided from a separate access road, Abbeyfield Drive. The separation distances which will be retained to both the residential properties and the school along with the condition regarding the obscure glazing and restrictive window opening means there are considered to be no overlooking or loss of privacy issues. The previous commercial use of the property as a Care Home, the separation distances from the residential properties and the fact there have been no reports of any noise disturbances at the property means on balance there is considered to be no significant noise impacts to the neighbouring premises.
53. In view of the above, it is considered that the proposal is in broad accordance with the Development Plan and National planning Policy Framework and there are no material planning considerations which indicate otherwise. It is recommended that conditional planning permission be granted.

Director of Economic Growth and Development Services

Contact Officer Miss Debra Moody
Telephone No 01642 528714

WARD AND WARD COUNCILLORS

| | |
|------------------------|-----------------------------------|
| Ward | Eaglescliffe |
| Ward Councillor | Councillor Phillip Dennis |
| Ward Councillor | Councillor Stefan Houghton |
| Ward Councillor | Councillor Laura Tunney |

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application

Environmental Implications:

The property is an existing building with the extension being to the side of the existing building within the residential curtilage of the property and there are no notable environmental implications known to be a result of this proposal

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. Comments received have been considered in reaching the recommendation.

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. Issues of anti-social behaviour have been considered along with safety issues regarding the potential use in close proximity of the adjacent Primary School.

Background Papers

The Town and Country Planning Act 1990
National Planning Policy Framework
Stockton on Tees Local Plan Adopted 1997
Core Strategy Development Plan Document March 2010
Supplementary Planning Document 3: Parking Provision for New Developments (2011)

