

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11th March 2009

Page

APPLICATION REF. NO: 08/00950/FUL

STATUTORY DECISION DATE: 26th January 2009

WARD/PARISH: CENTRAL

LOCATION: Victoria House Residential Home, Barton Street, Darlington, DL1 2LN

DESCRIPTION: Erection of two storey extension to western elevation of existing care facility (Amended description, amended plans received 22/01/09 and 02/02/09 and additional information received 05/02/09)

APPLICANT: CAMBIAN PROPERTIES LIMITED

APPLICATION AND SITE DESCRIPTION

The application site measures some 0.45 hectares and consists of an existing care facility on the eastern side of Allen Street within a mixed-use area. To the south of the site are existing residential properties on Church Grove and to the north is the Riverview Industrial Estate. To the east of the site is Rockwell Local Nature Reserve, where a pond exists, some 50m from the application site. A number of trees are situated within the application site, particularly to the north. Its most recent use was as a learning disabilities facility. The new owner of the site specialises in intensive rehabilitation of patients with enduring mental health needs. The facility currently consists of 45 No. bedrooms of which only 12 No. have en-suite facilities. Planning permission is sought to extend the proposal to include:

- A two storey extension to the western elevation of the building;
- Refurbishment of the building to create a total of 32 No. Single en-suite bedrooms;
- External materials to match the existing building;
- Timber boundary treatment;
- New entrance feature;
- Alterations to the existing access to provide dropped kerbs, tactile paving and pedestrian footpath;
- 25 No. parking spaces together with cycle storage provided close to the main entrance;
- Associated hard and soft landscaping.

The applicant carried out community consultation prior to submitting the application in line with the Council's Adopted Statement of Community Involvement. The comments received were collated and used to influence the design of the scheme where appropriate.

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

(SI/1999/293) (the “1999 Regulations). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the LPA has determined that the proposal does not constitute EIA development.

A Design and Access Statement has been submitted as required by the Regulations. Also submitted are a Tree Survey and an Ecological Survey.

PLANNING HISTORY

89/00754/MISC – In January 1990 planning permission was granted for the erection of a 68 bed nursing home.

90/00471/MISC – In August 1990 planning permission was granted for a revision to the setting out of the permitted 68 bed care home.

98/00380/FUL – In August 1998 planning permission was granted for the construction of two storey extensions to provide additional lounge and dining areas.

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan (1997)

E29 - The Setting of New Development

R1 – Designing for All

R2 – Access for People with Disabilities

E2 – Development Limits

E3 – Protection of Open Land

E11 – Conservation of trees, woodlands and hedgerows

E12 – Trees and Development

E14 – Landscaping of Development

E20 – Sites of Nature Conservation Importance

E21 – Wildlife Corridors

E23 – Nature and Development

E46 – Safety and Security

H15 – The Amenity Of Residential Areas

H19 – Special Care Accommodation

T12 – New Development – Road Capacity

T13 – New Development - Standards

T24 – Parking and Servicing Requirements for New Development

National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006)

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

Planning Policy Guidance 13: Transport (2001)

RESULTS OF CONSULTATION AND PUBLICITY

One objection has been received from a local resident of Church Grove, situated to the south of the site, raising the following concerns: -

- *Increase in noise and disturbance;*

The Council's Highways Officer has been consulted and has raised no objections to the proposed development.

The Council's Rights of Way Officer has been consulted and has raised no objections to the proposed development.

Darlington Association on Disability has been consulted and has raised no objections to the proposed development however has offered some advice regarding internal layout and the provision of wheelchair access.

The Council's Arboricultural Officer has been consulted and has recommended that 17 No. trees to the north of the site are covered by a Tree Preservation Order. This is currently being progressed. He has raised no objections to the proposal following amendments subject to a planning condition securing submission and agreement and subsequent implementation of a scheme of protection for the trees within the site.

Natural England has been consulted and has not yet responded. The response will be communicated verbally to members at the Planning Committee meeting.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development.

PLANNING ISSUES

The principal issue to be considered in the determination of this application are:

- Planning Policy
- Impact on the visual amenities of the area
- Impact on residential amenity
- Impact on ecology
- Highway Issues
- Impact on Trees
- Section 17 of the Crime and Disorder Act 1998

Planning Policy

Policy H19 (Special Care Accommodation) of the Borough of Darlington Local Plan permits the provision of hostels and homes providing group accommodation for people in need of care, including people with disabilities and mentally ill or handicapped people, where they are in close proximity to public transport, shopping and community facilities and where a satisfactory residential environment can be achieved.

Policy H15 (The Amenity of Residential Areas) seeks to protect existing residential properties from the effects of enlargement or intensification of existing non-residential uses. It indicates that development which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character or with the quiet enjoyment of dwellings and gardens in particular, will not be granted.

As the proposal relates to the conversion of an existing facility to provide improved facilities, which would result in less bedrooms and therefore no intensification of the use, the proposals are considered to be acceptable as a matter of principle, subject to an assessment of the proposals in respect of detailed matters of development control, which are considered in the remaining sections of this report.

Impact on the visual amenities of the area

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the key principles that should be applied in the determination of decisions on planning applications, in order to contribute to the delivery of sustainable development. The guidance places increased emphasis on the role of high quality and inclusive design in the achievement of the government's objectives.

Policy E29 (The Setting of New Development) requires new development to respect the character of its setting in terms of design, materials, landscaping and the protection of other features, such as gardens and open spaces which contribute to the character of the setting, and not to detract from the appearance of its surroundings.

The proposed extension would be well contained within the existing site and maintains the same design and appearance as the existing building in terms of scale, materials and external finishing. It would appear in keeping with its surroundings and the street scene in which it is located. Overall, the proposal is likely to improve the appearance of the whole site as it involves a number of changes to the building and the site to provide a more attractive environment for its residents.

Overall, the proposed development is considered to be acceptable in respect of its impact on the visual amenities of the locality.

Impact on residential amenity

Existing residences bound the site to the south. However the proposed extension would be situated towards the northern extent of the building and this minimises its physical impact. An objection has been received from a local resident raising concerns regarding the potential for increased noise and disturbance through staff and residents congregating in the garden areas adjacent to Church Grove. The objection also raises the issue of existing noise from the facility, from windows in the existing building that face south towards the properties in Church Grove.

The matters raised in the objection have been carefully considered and discussions have taken place with the applicant with regards existing problems that are referred to. However, the new scheme involves an improvement in the existing situation. The garden area adjacent to Church Grove is to be closed off to staff and residents. An existing smoking shelter that has resulted in concern from the objector is also to be removed. The garden area to the north of the site, which is situated adjacent to the industrial area rather than the residential area, is to be used in place of this southern portion of the site. Furthermore, the overall scheme results in a reduction in the number of rooms, including in those areas of the existing building facing onto Church Grove, and therefore a slight de intensification of the use of the building.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development. Overall the proposal is considered to be acceptable in respect of its impact on the residential amenities of existing residents.

Impact on Ecology

The application site is not one that is identified as having any nature conservation or ecological interest. There is however the presence of a pond on the adjoining open land at Rockwell Nature reserve and also previous records of Great Crested Newts within 500m of the site. An ecological survey has been submitted with the application, which also covers an assessment of flora and fauna within the site and surrounding the site. The report concludes that there is a low risk of the development site supporting Great Crested Newts. Further, the report goes on to conclude that there is a negligible to low risk of bats being affected by the proposals. The report goes on to make a number of recommendations to further minimise the risk of causing harm or disturbance to protected species to include control of the timing and method of work to be undertaken in the implementation of the development.

Natural England has been consulted however at the time of writing this report, has not yet responded. The response will be communicated verbally to members at the Planning Committee meeting.

Highway Issues

Access to the site would be achieved through some modifications and enhancements to the existing access, including the provision of pedestrian access. The scheme has been amended in accordance with comments made by the Council's Highways Officer who is now satisfied that the proposal is acceptable in highway safety terms subject to a number of planning conditions to secure the implementation of certain highway works, namely the access works, prior to the occupation of the building.

Impact on Trees

The development will involve the loss of nine trees within the site and mitigation through the replanting of at least nine replacement trees. The development has been modified to address some concerns raised by the Council's Arboricultural Officer in respect of the impact of the development on some of the existing trees to the north of the site, which are to be retained as part of the development and are in the process of being formally protected by TPO's. The Council's Arboricultural Officer has suggested that the area of new planting be planted with heavy standard trees, and it is recommended that this be included as a planning condition aside from the standard landscaping condition. Overall, the development is considered to be acceptable in respect of its impact on trees.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

Conclusion

The application is related to an existing care facility. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety. The application raises no crime prevention issues. The development accords with the relevant policy in the adopted development plan set out below:

RECOMMENDATION

THAT PLANNING PERMISSION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) E2 Landscaping

- 5 The planting referred to in condition 4 (above) shall include the provision of nine heavy standard trees the species and location of which shall be agreed in writing, with the local Planning Authority prior to the commencement of the development.

REASON – In the interests of the visual amenities of the locality.

- 6) E5 Boundary Treatment Submission

- 7) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the details as approved shall be implemented prior to any part of the development hereby permitted first being brought into use;
 - i) Details of improvements to the surface of the highway at the entrance of the development;
 - ii) Details of dropped crossings / tactile paving at the entrance of the development;
 - iii) Details of specification of cycle parking provision.

REASON – In the interests of highway safety and in order to provide acceptable movement, accessibility and parking provision for non-car users.

- 8) Prior to the commencement of the development hereby-approved details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained, together with the proposed replacement heavy standard trees referred to in condition 5, above, to include a method statement detailing the means of transporting materials onto the site and any excavation in the vicinity of the RPA of the trees. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supporting either chain link or chestnut paling to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any clearance operations and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of clearance works to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
 - a. The raising or lowering of levels in relation to the existing ground levels;
 - b. Cutting of roots, digging of trenches or removal of soil;
 - c. Erection of temporary buildings, roads or carrying out of any engineering operations;

- d. Lighting of fires;
- e. Driving of vehicles or storage of materials and equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the well being of trees within the site.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application is related to an existing care facility. The design and layout of the development is considered acceptable and the development will not give rise to conditions prejudicial to amenity or highway safety. The application raises no crime prevention issues. The development accords with the relevant policy in the adopted development plan set out below:

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

This permission does not relieve the developer of the obligation to obtain any other necessary consent and to comply with other legislation, such as the Wildlife and Countryside Act 1981 (As Amended).

The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director: Highways and Engineering (contact Mr A Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under sec. 184 of the Highways Act 1980 to execute the works.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.

