

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2008

Page

APPLICATION REF. NO:	08/00515/OUT
STATUTORY DECISION DATE:	16 September 2008
WARD/PARISH:	Sadberge and Whessoe
LOCATION:	Land to south of Woodlands Hospital, Morton Park.
DESCRIPTION:	Erection of Children's Nursery and Residential Care Home (Incorporating Critical Care Unit) (Outline)
APPLICANT:	THS Developments Limited

APPLICATION AND SITE DESCRIPTION

The application site comprises an area of land of approximately 0.7 hectares and is situated on the Morton Park development. It is bounded by Yarm Road to the south, Darlington Building Society offices to the west and a hotel to the east. An estate access road runs along the northern boundary beyond which lies Woodlands Hospital. The site is relatively flat, although the land falls gently from Yarm Road to the access road to the north. There are no discerning features within the site.

The application seeks the erection of a 100 place children's nursery and a 92 bed residential care home.

The application is in outline only although details of access have been submitted at this stage. As required by the Regulations, the following information has been submitted with the application; Design and Access Statement, details of use, amount of development, indicative layout, scale parameters and access point. A Transport Assessment is also provided with the application.

The indicative layout shows the residential care home fronting onto Yarm Road with the children's nursery at the rear of the site facing an estate access road. Car parking for the development is provided in the space between the respective buildings.

The residential care home would be three storey in height and of a similar scale to the adjoining hotel to the east. Whilst the children's nursery would comprise a single storey building.

Access to the site is taken at the rear off the estate access road.

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.

PLANNING HISTORY

The application site originally formed part of a larger site which had the benefit of planning permission for a mixed use development which included retail, employment, leisure and a range of associated uses. This permission was renewed in the early 1990's and formed the basis of the development at Morton Park. This planning permission has now lapsed altogether, although other developments have taken place in the locality such as the Woodland Hospital, the adjoining hotel/restaurant and office developments to the north of the estate.

The most recent planning history for the site is as follows: -

03/390 – In July 2003 planning permission was granted for the erection of a children's nursery, which has now lapsed.

05/1028 – Planning permission was refused in January 2006 for the redevelopment of the site to provide a car showroom and workshop, and car parking, including car sales display area. A subsequent appeal was allowed in September 2006.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

The North East of England Plan Regional Spatial Strategy (RSS) to 2021

- 7 - Connectivity and Accessibility
- 18 –Employment land Portfolio
- 24 – Delivering Sustainable Communities
- 38 – Sustainable Construction
- 54 – Parking and Travel Plans

Borough of Darlington Local Plan 1997

- E2 – Development Limits
- E14- Landscaping of Development
- E16 –Appearance from Main Travel Routes
- E24- Conservation of Land and Other Resources
- E25- Energy Conservation
- E26- Energy from Renewable Sources
- E46- Safety and Security
- E49- Noise Sensitive Development

R1- Designing for All
R2 – Access for People with Disabilities
R25- Provision of Community Facilities and Services
EP2 – Employment Areas
EP5 – Other Uses in Employment Areas
EP6 – Prestige Employment
EP7 – Office/Business Park Development
T12 – New Development- Road Capacity
T13 – New Development –Standards
T24 – Parking and Servicing Requirements for New Development
T31 – New Development and Public Transport
T37 – Cycle Routes in New Developments
T39 – Conditions for Pedestrians

National Planning Policy Guidance (PPG) Note 4 –Industrial and Commercial Development and Small Firms, and PPS4 (Consultation)- Planning for Sustainable Economic Development are also applicable.

RESULTS OF CONSULTATION AND PUBLICITY

The Regional Development Agency, **One North East**, have commented as follows: -

“ It is understood that the application site is allocated as an employment area within the Darlington Borough Council Local Plan. The Agency would ask that the Local Authority give consideration to the loss of this employment land as part of the assessment of the application.

As you are aware the Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, should the application be viewed favourably, the agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, eg BREEAM, Building for Life and Secured by Design.

In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the applicant should also provide details regarding the provision of renewable energy measures within the scheme.”

The North East Assembly have commented:-

“ The redevelopment of this previously developed site in Darlington is consistent with the Regional Spatial Strategy (RSS) locational strategy objectives. The proposal of alternative non-employment uses is generally consistent with RSS policy, given the change in character seen recently in the area, and provided the Local Authority is satisfied there is no shortage of employment land. The site is served by good public transport links, road access and a cycle route, and is consistent with RSS objectives to reduce the need to travel.

Tees Valley Joint Strategy Unit make the following points:-

“I note that the site benefits from two extant planning permissions – a crèche day nursery granted in 2003, and a car show room and workshop granted on appeal in 2006. I also note that the main issue at the appeal was whether the development would represent an appropriate

exception to Local Plan employment policies. The Secretary of State concluded that the appeal site no longer had the necessary combination of characteristics, especially an extensive size, to justify its retention for prestige employment development. I understand that the site has since been extensively marketed but remains undeveloped.

From a strategic point of view, the main issue remains the loss of prestige employment land, as identified in Policy EP6 of the Darlington Local Plan, and potential implications on the employment land portfolio for the borough.

The recently issued Regional Spatial Strategy for the North East seeks to ensure that the scale and quality of employment land and provision can meet the requirements of economic growth. To this end, Local Planning Authorities, should provide a continuous supply of land that provides a variety of choice of sites in terms of size, quality and location.

If intended to approve the application, the Borough Council should be satisfied that the loss of employment land will not have an adverse effect on the overall range and choice of employment sites for potential investment.”

PLANNING ISSUES

The main issues to be considered in the determination of this application are:-

- Whether it is appropriate to grant planning permission as a departure from the employment allocation in the local plan.
- Whether the design and layout of the proposal is acceptable.
- Highway implications.

Planning Policy

The application site lies in an area identified for employment related development. Policy EP2 (Employment Areas) states that planning permission will be granted for Class B1 (Offices/Light Industrial) B2 (General Industrial) and B8 (Warehousing) development (subject to environmental safeguards in respect of B2 and B8. In addition, the site is identified under Policy EP6.1 (Prestige Employment). That policy states that such sites will normally only be developed for prestige employment, reflecting a high standard of design and only use classes B1 and B2 and exceptionally B8 will be considered. Policy EP7.2 states that office and business park development will normally be permitted within specified areas, including Yarm Road.

RSS policy 18 aims to protect employment land from redevelopment to alternative uses, although it is stated that if existing employment locations are no longer required for employment purposes, it would be suitable to reallocate the site for alternative uses.

PPS4 (Consultation) considers that ‘if there is no reasonable prospect of a site being used for economic development during the plan period, the employment allocation should not be retained and wider employment uses or alternative uses should be considered’. It goes on to state that if such land is identified for alternative use, available previously developed land should be prioritised for reuse.

It is reasonable to expect that since the Local Plan’s adoption in 1997 that changes in the local economy may have led to proposals coming forward which were not anticipated when the Local Plan was produced. Since 1997 the adjoining land to the north and east (also allocated as EP2.6)

has been developed for a mix of uses including Woodlands Hospital, a hotel, a public house/restaurant, a McDonalds and retail units. Furthermore planning permission has previously been granted for a children's day nursery (D1 use) on part of the site and a car showroom use allowed on appeal. All of which fall outside the specified use classes (B1, B2 and B8) identified as appropriate for these employment allocations.

Although the proposal would see the further loss of allocated employment land, it is a vacant brownfield site, accessible by sustainable transport. Policy R25 supports the provision of community facilities including those for health and education in sustainable locations. The proposal which is on previously developed land, with planning permission for a D1 use on part of the site accords with the broad principles of the Local Development Framework.

Under such circumstances PPG4 considers that it is more appropriate for sites to be used appropriately than to be vacant. A flexible approach may be required to promote the high quality, sustainable redevelopment of the site for a mix of uses which will also enhance the townscape quality of the area. The development of this site would also complete a tightly defined area of mixed use development in this part of the employment area.

Design and Layout

In terms of their scale and siting the proposed buildings are considered acceptable. Although matters of detailed design are reserved for subsequent approval, illustrative elevational drawings for both buildings have been submitted with the application. The residential care home is shown to be of a similar form and appearance as the adjoining hotel building, which is of a traditional pitched roof design. However a full assessment of the detailed design of the development can only be made once reserved matters have been submitted.

Highway Implications

The supporting Transport Assessment indicates that the Highways Agency has been consulted on the application and that they are satisfied that the proposed development would not have any significant impact on the A66 Trunk Road or the A66/A67 Yarm Road junction to the east. The Highways Agency has confirmed that they have no objection to the scheme.

Council's Highway's Engineer has no objections to the proposal but has requested a number of accessibility and detailed design issues regarding the car parking area to be addressed which can be made conditional to any approval.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have 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. It is not considered that the contents of this report have any such effect.

CONCLUSION

Although the proposal would see the loss of employment land allocated in the Local Plan it would provide for the development of a vacant, previously developed site in a sustainable

location. Furthermore, given the changes to the local economy since the adoption of the Local Plan, the surrounding mix of uses to the north and east of the site, the previous grant of planning permission for the children's day nursery on part of the site and the more recent appeal decision for a car showroom, together with the approach promoted in emerging and existing Government Guidance, there is sufficient justification in principle for the development of a care home (use class C1) and a children's nursery (use class D1) on this site.

The layout and scale of the proposed development are considered acceptable and would not raise any issues in relation to car parking provision, highway safety or crime prevention. Consequently it is considered that there are no material reasons to withhold a grant of planning permission.

Whilst the application represents a departure from the development plan, it does not significantly prejudice implementation of the development plan's policies and therefore need not be referred to the Secretary of State.

RECOMMENDATION

THAT SUBJECT TO NO OBJECTIONS BEING RAISED TO THE DEPARTURE ADVERTISEMENT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE GIVEN DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters before the development is begun:-
 - (a) layout;
 - (b) scale;
 - (c) appearance;
 - (d) landscaping.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 (as amended).

- 2) A2 Outline (Implementation Time)
- 3) Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of Development:-
 - a) Dropped crossings/tactile paving at all pedestrian crossing points within the site.
 - b) Provision of a rear access zone of 1.2m on disabled car parking spaces (not to encroach onto the vehicle circulation area between the parking spaces).

The development shall not be carried out otherwise than in accordance with the approved details and the works shall be implemented prior to the nursery or residential care home being brought into use.

REASON – In the interests of highway safety

- 4) Notwithstanding anything indicated on the submitted drawings provision shall be made for a pedestrian footpath/cycleway link from Yarm Road directly into the site, details of which shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of development. The approved footpath/cycleway link shall be constructed prior to the occupation of either building .

REASON - to ensure a sustainable link to existing public transport facilities and existing cycle routes.

- 5) Prior to the commencement of development precise details of secure covered cycle parking for staff and visitors shall be submitted, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the cycle parking provision shall be made available prior to the occupation of the buildings.

REASON – To ensure that adequate parking provision is provided in accordance with the adopted and emerging planning and transport policies which promote access by alternative transport modes.

- 6) Notwithstanding any information that has been provided with the application, details of a full travel plan/plans shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This scheme shall not be implemented otherwise than in accordance with the approved details.

REASON - To encourage the reduction of journeys made to and from the site by private motor vehicles by the promotion of more sustainable forms of transport.

- 7) Landscaping (Submission and Implementation).
- 8) No development shall be commenced until a design statement, to BREEAM Standards, for the development has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details.

REASON – In order that the Local Authority are satisfied as to the details of the development and to ensure that the development is carried out in a sustainable manner.

- 9) No development shall commence until a scheme to achieve at least 10% on site energy from renewable sources, has been submitted to, and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – in order to comply with the objectives set out in the Regional Spatial Strategy for on site renewable energy sources.

- 10) The children's nursery hereby approved, shall not be used for any other purpose, including any other purpose within Class D1 (Non Residential Institutions) of the

Schedule to the Town and Country Planning Use Classes Order 1987, or any other Order revoking or re-enacting that Order.

REASON – The application is acceptable as a complementary use within the allocated employment use within the allocated employment area but the Local Planning Authority considers it appropriate to restrict the use of the premises in order not to prejudice development plan policy for the area.

- 11) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

REASON - To prevent pollution of the water environment.

- 12) No development shall be commenced until a scheme for the provision and implementation of surface water drainage, including surface water run-off limitation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON - In order to prevent pollution of the water environment.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The development hereby approved is one for which planning permission might not normally be granted in this location in that the uses are not employment related. However, the Local Planning Authority considers that there are material planning considerations to justify a grant of planning permission as a departure from policy in this instance. Although the proposal would see the loss of employment land allocated in the Borough of Darlington Local Plan it would provide for the development of a vacant, previously developed site in a sustainable location. Furthermore, given the changes to the local economy since the adoption of the Local Plan, the surrounding mix of uses to the north and east of the site, the previous grant of planning permission for the children's day nursery on part of the site and the more recent appeal decision for a car showroom, together with the approach promoted in emerging and existing Government Guidance, there is sufficient justification in this case to justify a departure from policy. 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 proposed development accords with the relevant policy in the adopted development plan set out below :-

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