

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
21st June 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/1054/REV

**LAND AT CHELTENHAM ROAD, PORTRACK, STOCKTON ON TEES
REVISED APPLICATION FOR TRADE PARK DEVELOPMENT COMPRISING 10
NO. TRADE UNITS AND ASSOCIATED CAR PARKING.
EXPIRY DATE: 10TH JULY 2006**

Summary:

The application site has been subject to a previous application in 1999 (Application no. 99/1770/P) for the erection of 10no. warehouse units which was subsequently approved. A further application was submitted in 2005 and refused on highway safety grounds and a policy objection to a proposed cafeteria.

The application site is an area of vacant land situated to the north of B&Q and Lustrum industrial estate off Portrack Lane, Stockton. Further vacant land is situated to the north and east, with the A19 beyond. Access into the application site is proposed to be Cheltenham Road

Planning permission is again sought for the creation of a trade park, which is to include the erection of 10no. trade units providing approximately 6000 sq m of floorspace.

The principle of the proposed development is considered to be acceptable and the proposal will not have a detrimental impact on the visual amenities of the locality. Issues in relation to the impact of the development on the highway network are still outstanding although may be able to be overcome through a revised Transport Assessment. On this basis the application is recommended to be delegated to the Head of Planning and Environment for approval subject to these issues being addressed prior to the expiry of the 13-week deadline.

Recommendations:

RECOMMENDED that application 06/1054/REV be delegated to Head of Planning and Environment for approved subject to the outstanding highway safety issues being resolved prior to the 10th July, otherwise the application is to be refused on highway safety grounds.

Policies GP1 and IN1 of the adopted Stockton-on-Tees Local Plan and Policy EN32a of the adopted Stockton on Tees Local Plan were considered relevant to this decision.

History

1. The application site has been subject to a previous application in 1999 (Application no. 99/1770/P) for the erection of 10no. warehouse units and associated car parking, this application was subsequently approved subject to planning conditions.
2. A subsequent application submitted in 2005 was refused on the following grounds (App No. 05/3415/FUL).

01. In the opinion of the Local Planning Authority the applicants have failed to satisfactorily demonstrate through the submitted Transport Assessment that the proposed development would not have a detrimental impact on the free flow of traffic upon the Portrack Lane highway network, contrary to policy GP1 of the adopted Stockton on Tees Local Plan

02. The proposed cafeteria constitutes an out of centre development for which no acceptable justification or need has been demonstrated. As a consequence the proposal is considered inappropriate and will adversely impact upon the vitality and viability of existing and local centres contrary to policy GP1 of the adopted Stockton on Tees Local Plan and policy S16 of the emerging Local Plan Alteration No.1.

3. This new application differs in that the proposed cafeteria has been removed from the scheme and a revised transport assessment has been submitted in order to try and overcome the previous reasons for refusal.

The Proposal

4. The application site is an area of vacant land situated to the north of B&Q and Lustrum industrial estate off Portrack Lane, Stockton. Further vacant land is situated to the north and east, with the A19 beyond.
5. Planning permission is sought for the creation of a trade park, which is to include the erection of 10no. trade units with vehicular access from Cheltenham Road. The development will provide approximately 6000 sq m of floor space. The proposed units range in size from 263 sq m to 929 sq metres in size. The application also includes a supporting planning statement, Flood Risk Assessment (FRA) and Transport Assessment (TA).
6. Access into the application site is proposed to be Cheltenham Road, adjacent to the existing access to the B&Q warehouse off Portrack Lane.

Consultations

7. The following responses have been received from departments and bodies consulted by the Local Planning Authority

The Environment Agency

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Condition: No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

Condition: No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding.

Condition: Floor levels shall be no lower than 4.5m AOD

Reason: To reduce the risk of flooding to properties within the development and adopt the recommendations of the flood risk assessment.

Integrated Transportation and Environmental Policy

The development will need to comply with the Design Guide and Specification (Residential & Industrial Estates Development), edition number 1. To That end the following matters are among those requiring attention: -

The car parking provision and secure and covered cycle parking provision should comply with the Design Guide and Specification for the proposed use of each individual unit.

If the access and estate roads are to be adopted then the developer will need to enter into a Highways Act section 38 agreement.

Sight line to Cheltenham Road to be maintained at 9 x 90 m

The scope of any off site highway works will need to be determined; this cannot be advised until an acceptable Transport Assessment is received.

Public Footpath no 35 Stockton and Public Bridleway no 32 Stockton will be affected by these proposals. The applicant will be required to arrange for the making of any orders for the stopping up or diversion of existing rights of way or the creation of new rights of way.

A revised Transport Assessment for the application has been submitted, however, the Haverton Hill Road approach to the Portrack Interchange is shown to be saturated. Development traffic would cause traffic to queue back into the Haverton Hill Road/Cheltenham Avenue traffic signals. This is not acceptable. No attempt has been made to model weekend traffic conditions and no explanation has been given for the omission.

The Transport Assessment has shown that the development will create additional traffic problems to local highways. It has not fully considered all traffic conditions. Therefore, I object to the application, as it will detrimental to highway safety and the free flow of traffic.

The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries

The Highways Agency should be consulted on this application

Highways Agency

Further to my previous letter dated 27 April 2006, we are in receipt and have reviewed the revised Transport Assessment produced by Atkins (Ref: 5041545 Dated April 2005) and can provide the following comments.

Trip Generation

For each of the three land uses, trip generation calculations were undertaken based on weekday AM and PM peak periods. In terms of the geographical areas included in the TRICS assessments, however, the A1 Retail included data relating to 'All Regions' (with the exception of the 'Local' area), although land use types A3 and B2 had criteria for 'All Regions' with the exception of the 'Local area, Greater London, Scotland, Northern Ireland, Isle of Man and the Republic of Ireland.

As such, there did not appear to be any consistency between the land uses when choosing the geographical area input into TRICS.

Further, it was also noted that the PM peak time periods quoted for the trip generation calculations were based on 16.00-17.00, at which time it would be expected that the Industrial Units could generate less traffic than during the 17.00-18.00 period. Consequently, we asked that the applicant provide clarification that the peak periods, in terms of impact, were assessed for traffic generation.

It was also noted that the TRICS assessments included in Appendix A of the study included details of the individual sites used. However, land use B2 included data from multiple survey days of the same site (ref GM-02-C-01). It was suggested that such an approach would introduce a bias and affect the determination of the 85th percentile trip rate. Therefore, it was requested that all TRICS analysis contain a maximum of only one traffic count per site, using the highest value. In the revised Transport Assessment the TRICS data (in Appendix D) shows that the multiple survey days of the same site (ref GM-02-C-01) is no longer listed. However, land use B2 now includes data from multiple survey days of site ref WS-02-A-04. Also Land use A3 now includes multi survey days at survey ref FS-06-E-02.

The Agency, therefore, requested that Atkins re-evaluate the trip generation rates detailed in the scoping reports, having accepted that the number of sites available for the TRICS assessment may be restricted and therefore would not permit determination of an 85th percentile trip rate and recommended that if this were the case, then it may be necessary to utilise trip generation rates from other similar developments in the area.

For example, the nearby Haverton Hill and Pipe Mill developments used trip rates agreed with the Agency, and it was considered that the use of similar figures would prove to be appropriate in this instance.

In the revised Transport Assessment the trip rates are given as:

	Industrial	
	Arrivals	Departures
AM Peak	1.17	0.21
PM Peak	0.26	3

Whilst we accept that the am peak trip rate of 1.17 for arrivals is adequate, the pm peak trip rate of 0.26 is still lower than either of the nearby developments. However, it is only marginally lower so could be considered to be acceptable. It is however, considered that the AM peak departures are low and that the PM departures, with a peak trip rate of 3, are extremely high.

Notwithstanding the above, it is acknowledged that the Agency has accepted these trip rates and has given approval to Stockton Borough Council for these to be used.

Gravity Model/Distribution

Additional information was requested from the applicant with respect to the distribution and assignment of development related traffic. That has since been provided in the form of a gravity model and supplementary information. The Agency considers that the distribution of traffic is acceptable.

Operational Assessments

The revised Transport Assessment (Ref: 5041545) contains information relating to operational assessments, and states that the ARCADY and LINSIG outputs are contained in Appendices I and J respectively, whilst the TRANSYT outputs are in Appendices M and N. However, these appendices have not been included in the report and, therefore, the assessments of the junctions cannot be accurately reviewed.

TRANYSIT Summary tables have however been provided in Chapter 7 but some of the original links included in the Faber Maunsell model, appear to be missing. The links are as follows:

AM	PM
121, 131, 132, 231, 299, 511, 521, 599, 911, 921, 999, 1001, 1021, 1111, 1211, 1311, 1411, 1412, 1611, 1711, 1721, 1799, 1811, 1899, 1911, 1921, 1999.	121, 131, 132, 231, 299, 324, 511, 521, 599, 699, 911, 921, 999, 1001, 1021, 1111, 1211, 1311, 1411, 1412, 1611, 1711, 1721, 1799, 1911, 1921, 1999

Notwithstanding the above comments, from the summary tables included in the Transport Assessment it is stated that in the base plus committed development scenario during the PM peak, Link 222, representing the A1046 Haverton Hill Road entry to the Portrack Interchange from the west (lane 1, marked as ahead only) experiences a Degree of Saturation of 119% with a mean maximum queue of 83 PCUs. With the addition of the Trade Park traffic this increases to a degree of saturation of 124% with a mean maximum queue of 103 PCUs

WS Atkins consider that, as the link experiences some capacity problems in the base plus committed development scenario, it is difficult to proceed with the provision of any mitigating works to address the additional affect of the Trade Park Development.

However, the Agency understands that the impact of the base plus committed development at the junction has been agreed with Stockton Borough Council. It is therefore considered that mitigation measures should be provided in order to address the impact of the development traffic in order to provide “nil detriment” to the operation of the junction.

Northern Gas Networks have commented that there are specific building proximity distances for individual pipelines dependant on predefined risk levels and the type of development. The applicants are advised to contact Northern Gas Networks to verify the actual distances from the apparatus shown.

CE Electric UK have no objections but refer the applicant to the Health and Safety Executives publications of working safely with electricity

8. The Local residents and occupiers have been individually notified of the application, an advert placed in the local press and a site notice has been placed adjacent to the site. The neighbour consultation period expired on the 9th May 2006. No letters of objection have been received to the proposed development.

Planning Policy Considerations

9. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) 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 Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
10. The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision;

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy IN1

Land Is Allocated For Business And General Industrial Uses (Classes B I And B2) At The Following Locations:

- (a.) Holme House Farm 41ha
- (b.) Teesside Industrial 39ha Estate, Thornaby
- (c.) Preston Farm 49ha Industrial Estate, Stockton

Policy EN32a

Proposals for new development will not be permitted within Flood Zones 2 or 3 as shown on the Proposals Map, or other areas identified as at risk of flooding, unless the applicant can demonstrate by means of a Flood Risk Assessment and sequential tests that:

- i) there is no alternative site at no risk or at lower risk of flooding; and
- ii) there will be no increased risk of flooding to the development; and
- iii) there will be no increase in risk of flooding elsewhere as a result of the development.

Where permission is granted for development in flood risk areas, or for development that would increase the risk of flooding, appropriate flood

alleviation or mitigation measures, to be funded by the developer, must be undertaken.

Material Planning Considerations

11. The main planning considerations of this application are the impacts of the character of the area, planning policies, access and highway safety and flood risk.

Principle of development.

12. A previous application for similar development was approved in December 1999 (99/1770/P). This proposed development largely follows the layout of the previous development approved in 1999. The actual application site is allocated for B1 and B2 uses under policy IN2 of the adopted Local Plan, however given the industrial location and the previous approval granted in 1999, B8 uses are also considered acceptable in this location. The principle for the development of trade units on the site with ancillary retail sales as previously established in 1999 and therefore remains acceptable.

13. As this proposed development has now removed the proposed cafeteria from the scheme one of the previous reasons for refusal of the previous application 05/3415/FUL has been addressed and overcome.

Impact on the character of the area.

14. The design and external appearance of the proposed units is fairly typical of industrial/trade buildings of this nature and that of the surrounding buildings. The design and proportion of the units is acceptable and it is considered that the development will not be detrimental to the visual amenities of this particular locality and is viewed to be in accordance with policy GP1 of the adopted Stockton on Tees Local Plan.

Issues of Flood Risk

15. Part of the application site falls within the Environment Agencies flood risk zone 2. A Flood Risk Assessment has been provided in support of the planning application, the Environment Agency, they have stated that they are satisfied that the development poses no significant flood risk subject to the imposition of planning condition, the proposed development is therefore considered to be acceptable and is in accordance with Policy EN32a of the Local Plan Alteration.

Impact of Traffic and Highway safety

16. Both the Highways Agency and the Integrated Transport and Environmental Policy department have commented that the Transport Assessment provided is not acceptable due to inaccuracies with the report and traffic modelling.

17. It is considered that these outstanding issues may be able to be resolved prior to the expiry of the 13 week deadline for the application on the 10th July 2006, and as the principle of the development is acceptable it is requested that members delegate the application to the Head of Planning and Environment for approval should the outstanding highway issues be overcome.

18. However, if these issues are not addressed prior to the 13 week deadline of the application and the applicants have failed to satisfactorily demonstrate through the submitted Transport Assessment it is considered that the application should be refused on the basis that the scheme may have a

detrimental impact on the free flow of traffic and highway safety and is contrary to policy GP1 of the adopted Stockton on Tees Local Plan

Conclusion.

19. The principle of the proposed development is considered to be acceptable and the proposal will not have a detrimental impact on the visual amenities of the locality as a whole. Issues in relation to the impact of the development on the highway network are still outstanding although these may be able to be overcome through a revised Transport Assessment. On this basis the application is recommended to be delegated to the Head of Planning and Environment for approval subject to the remain issues being addressed prior to the expiry of the 13-week deadline.

Corporate Director of Development & Neighbourhood Services
Contact Officer: Simon Grundy
01642 528550

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)
Stockton on Tees Local Plan Alteration (2006)
Planning Applications 99/1770/P and 05/3415/FUL

Ward and Ward Councillors

Norton South Ward
Ward Councillors R. Cook and S. I. Nelson.