

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th October 2006

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

06/0959/REV

**Wearmouth Construction and Plant Limited, Cliffolgwen Depot, Sandy Leas Lane
Revised application (part retrospective) for industrial/office building
Expiry Date: 29th May 2006**

SUMMARY

Retrospective planning permission is sought for the erection of an industrial and office building at an existing building contractor's yard off Sandy Leas Lane, Stockton on Tees.

Planning permission has been previously granted for the erection of an industrial and office building on the site, however, the building, which now occupies the site, has been constructed out with the approved plans, having a greater footprint area and increased height.

6 letters of objection have been received in respect to the application. Objections are mainly based on the scale and appearance of the building, its impact on surrounding residential properties and the countryside landscape setting as well as the impact of additional traffic. Several objections have been made in respect to the general expansion of the business operation now occupying the site and works taking place within the vicinity of the building and on the adjoining site, although it is considered the latter is not a material planning consideration in determining this application.

In view of the earlier approval for an industrial and office building it is considered the principle of the development in this location has already been established. The main issues in determining this application are therefore the impact of the additional size of the building on the character and appearance of the area and on adjoining residential properties.

The plans as originally submitted have been amended to set the building further away from the boundary with the adjoining residential property and to apply additional cladding of vertical timber boarding over the existing steel sheet cladding.

It is considered that the building as built is particularly large and with the additional height becomes a particularly dominant feature within the landscape, being more prominent than all of the other buildings currently on this and the immediately adjoining site. In view of this dominance it is considered that the building is on the limitations of suitability. However, by amending its appearance as indicated, it is considered that a satisfactory detailed building will be achieved which complies with the requirements of Policies GP1 and IN15 of the Stockton on Tees Local Plan. It is further considered that the combined amendments of additional spacing from the boundary and the amended appearance will assist in minimising the impact of the additional scale on the adjoining property.

RECOMMENDATION

Planning application 06/0959/REV be approved with Conditions subject to:-

- 01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.**

Drawing Number(s): - SBC0001, WC55107/01

Reason: To define the consent.

- 02. The works hereby approved relating to the reduction in the width of the building and the re-cladding of the buildings upper section shall be carried out and completed in accordance with the approved plans within a 6 month period from the date of approval.
Reason: To allow adequate time to carry out the development and prevent a prolonged period of an unauthorised building being on site in the interests of the surrounding environment.**
- 03. Notwithstanding details hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority within 3 months following the approval of this application. Such a scheme shall detail the following:-
a) Hard and soft landscaping,
b) Soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
c) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).
d) Areas of level change,
e) Precise locations of protective fencing,
The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following approval of the scheme, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity and in order to adequately protect the landscape features of the site.**
- 04. Notwithstanding details hereby approved the precise colour, specification and method of application of the cladding materials for the building shall carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
Reason: In order to ensure a satisfactory form of development.**
- 05. There shall be no external lighting attached to the building apart from that which is in accordance with a scheme of lighting to be submitted to and approved in writing with the Local Planning Authority. Lighting shall be shielded and aligned to avoid the spread of light and thereafter such lighting shall be maintained to the same approved specification unless agreed otherwise by the Local Planning Authority.
Reason: In the interests of the amenities of the area.**
- 06. The building hereby approved shall not be used between the hours of 10:00pm and 07:00am of any day.
Reason: In the interests of the amenity of surrounding residential properties.**
- 07. Notwithstanding details hereby approved, within a 3 month period following the date of approval, a scheme of insulation for the building to reduce the level of noise emanating from the building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out on site within a 6 month period following the date of approval of this application.
Reason: To ensure the building is adequately soundproofed in the interests of the occupants of nearby premises.**

08. **No paint spraying shall be carried out except in a properly constructed part of the building to which filtration equipment has been fitted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**
Reason: To ensure a satisfactory form of development and prevent undue pollution of the environment.

BACKGROUND

1. The planning application relates to the Wearmouth Construction site at Sandy Leas Lane, Stockton. The site was formerly one large site although has since been subdivided into two operations, Robinsons Plant and Wearmouth Construction.
2. Within recent months a variety of development has taken place at the sites, which has been commented on in objection to this application. However, the majority of recent works to the combined sites do not specifically relate to this application and as such are not considered in the determination of this application.
3. The planning history relative to this application is considered to be the following:-

03/2747/FUL

Erection of an industrial building

Approved 18.12.2003 subject to landscaping, lighting, car park, noise insulation details being approved and no burning of waste.

Building dimensions = 18.65 x 14.2m in plan.

Eaves height 5.5m, ridge height 7.6m.

Footprint area = 264.83sqm

Total volume = 1735cubic metres.

Part of an existing building would be demolished (222sqm) to allow the building to be erected.

Amended plans submitted and approved for 03/2747/FUL as minor amendments.

Amendments resulted in the following:

Relocation of footprint away from footprint of existing,

Building dimensions = 23.2m x 14.2m in plan.

Eaves height 5.5m, ridge height 7.6m.

Footprint area = 328.53 sq.m

Volume = 2151.8 cubic metres

Two storey offices at front of building.

The applicant has constructed a building on site, which is not in accordance with the approved scheme. The building has been constructed to the following dimensions:-

Building dimensions = 28.650 x max. 21.8m in plan.

Eaves height 7.125m, ridge height 8.350m.

Footprint area = 442.85sqm

Total volume = 3350cubic metres.

It is intended that the building previously indicated as being for demolition will now be retained.

Subsequently a new application was submitted in respect to the building; although this was withdrawn with the intention it would be resubmitted with additional information.

THE PROPOSAL

4. Retrospective planning permission is sought for the building, which has been erected on site. The building has not yet been fully completed in respect to the office side of the building.

5. Through the consideration of the application an amendment to plans has been submitted relating to a reduction in its width by 2m and the external areas being re-clad in vertical timber boarding fixed over the existing cladding.
6. An area of landscaping has been shown on the submitted plans, however, this is out with the application site boundary and it is understood that this land is within separate ownership.

CONSULTATIONS

The following Consultations were notified and any comments they made are below:-

Head of Integrated Transport and Environmental Policy

I have no adverse comments to make regarding this application.

Environmental Health Unit

I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

Noise disturbance from access and egress to the premises

The opening hours should be limited to ensure that adjacent residential premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

Open burning

No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

Elton Parish Council

Continues to object to this development as a result of the size of the building and the hours of activity being more suitable in an industrial area rather than in rural location, becoming a large industrial intrusion in an agricultural area, much greater than the original area. Two operators run from the site both using heavy goods vehicles. Planning approval was granted for the erection of a large workshop building (04/2629/RMW) which combines lorry workshops with offices above. This reinforces the concern that the site has become an industrial concern.

The site is clearly visible from surrounding properties and some screening has been removed which gives local residents a view over the industrial activity although even if screening is placed all round the site.

The Parish Council is already discussing the issue of a 50mph through Whinney Hill. Vehicles have got faster, heavier and bigger and the roads in this area have not been upgraded to cope with such volumes of traffic. Is it right to allow more traffic onto minor roads which already have a high accident rate.

Sandy Leas Lane already has a HGV restriction on it, which indicates a lack of an appropriate and suitable route from the site.

The use of the site is not confined to daylight hours and noise and light pollution day and night is having an impact on nearby neighbours as well as on their access routes. Vehicles are reported as leaving the site as early as 5.00a.m.

The site has recently been extended by the purchase of more land. Even if this area is to be designated as a parking lot for the vehicles some landscaping should be effected to hide the further intrusion into the countryside.

Questioned whether the level of activity should be restricted by this application with further expansion to be located on an industrial site which has been developed to cope with wide loads, where industrial activities can be undertaken without detriment to residential amenity.

Northumbrian Water Limited

There is a water main across the site, which needs to be protected at all times by an easement. No development will be allowed within the easement although the mains may be diverted at the cost of the applicant. Other general comments in relation to surface water and foul water connections.

The Environment Agency

This application falls outside the scope of referrals.

Landscape Officer

I have no objection to the reduction in the width of the building and the amendment to the appearance. However, the screen planting details are still outstanding, as specified in my previous memo dated 4th August 2006. Details should be provided to the following minimum standard:

A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

Highways Agency

No objections in principle

Development Plans Officer

Tees Forest

Councillors

Councillors

Neighbours were notified and any comments received are below (if applicable): -

Mr A W and Mrs D E Herbert

Sandy Leas Plantation Farm, Darlington Back Lane

We are surprised that the Council have allowed a building, which does not have planning permission to remain in place for so long. The supporting letters bear no relevance to the sites current noise and activities, which can only be speculated on by people who don't live in the area.

The plans and proposed landscaping do not in any way address the issues already raised and therefore our previous objections remain.

The proposed landscaping scheme is not located on the applicant s land shows no consideration given to the local community, neighbours or local amenity. The blatant lack of effort to redress some of the invasion of space and damage to the countryside is startling.

The building is considerably larger than that approved (7m up to 8.5m) and is not the reuse or replacement of an existing building.

It is requested that as the building does not comply with the Councils criteria including all subsections of Policy EN13 and the majority of Policy EN20 and has resulted in the removal of hedgerow and blatantly disregards the planning approval it should be dismantled. Furthermore, no attempt has been made to cease burning at the site whilst the processing of rubble has been taking place, which is another activity not in accordance with the level of planning approved for the site.

A section of hedgerow has been removed which breaches the Hedgerow regulations and no attempt has been made to redress or investigate this contravention.

No regard for the possibility of pollution emanating from an industrial site into an open watercourse has been taken into account.

Noise levels from the building have increased dramatically since the building was constructed and landscaping would not alleviate this as much of the work is undertaken outside. At all times of day and night, seven days a week there is banging, motors running, reversing alarms, tannoy announcements, vehicle horns and people shouting.

Windborne debris is a problem as a result of the site being untidy whilst light pollution from sodium lamps is a further issue, illuminating private dwellings at night and disorientating wildlife.

The site is contrary to Policy GP1 of the Borough Local Plan as wildlife habitats are destroyed by the noise and pollution.

This site continues to expand in size does not match the Ordnance Survey map in the application which delineates the site area.

Increased traffic from the site is contributing to the bottleneck effect at the junction of Yarm Back Lane and Darlington Back Lane at peak times. The lorries are encouraged in this new application to utilise Darlington Back Lane even more, which is an extremely dangerous road and a nightmare for people to walk, cross or ride horses along and along which have been several accidents.

The Local Plan does not designate this area as an industrial site and the countryside is being overtaken by stealth developments. If this type of building is necessary it should occupy a brownfield site of which there are many in Stockton.

J D Morton

The Bungalow, Sandy Leas Plantation

The former use of the site by T.W. Burridge was at a vastly reduced level, being an acceptable business from an agricultural small holding. The activities of Robinson Plant and Hire is equal to that generated by T.W. Burridge and when combined with Wearmouth Plant and Construction this has meant an increase in activity of over 100% to the detriment of the environment and the people living alongside. It should have never been allowed to expand in the first instance, never mind this further increase.

The submitted plans and photographs are inaccurate and misrepresentative whilst there are discrepancies with the supporting statement. The building is substantially complete and no matter what conditions were imposed it could not improve the residential amenities of surrounding properties.

The size of the building already erected is 200sqm bigger than the original approval for 262sqm and which required the demolition of another building. This building has not replaced the earlier building as it is in a different location and is much larger and higher than the original approved plan and just because it exists it is not logical to expand this use in complete disregard for the surroundings and amenities of the area.

This building is an intrusion into the open countryside, out of character with the area will disrupt wildlife through noise and light pollution whilst does not enhance the countryside in any way, resulting in a great impact on the natural environment being contrary to Policies EN13 and GP1 of the Local Plan.

The development is not necessary for farming, forestry, sport or recreation whilst does not reuse buildings being contrary to Policy EN20 of the Local Plan.

There is ample land elsewhere in Stockton for such development.

The access Road 'Sandy Leas Lane' is signed as being unsuitable for Heavy Goods Vehicles whilst Darlington Back Lane is a C road and has had several fatal accidents and numerous other traffic incidents in the last five years. Horse riding establishments use this area whilst there is no footpath along this road.

By their own admission Wearmouth Construction say vehicles turning into Yarm Back Lane from Darlington Back Lane is a dangerous manoeuvre and that light goods vehicles will therefore use Sandy Leas Lane to access the A66 Trunk Road. There are licences for 15 Heavy Goods Vehicles and 5 trailers at this moment in time plus other vehicles, vans, cars and light trucks at this site if this development goes ahead despite all the objections how much more traffic will use these roads. It is therefore demanded that a proper survey of the traffic situation is carried out before any further action is taken.

A copy of a letter from the Office of the Traffic Commissioner has been included which indicates that Robinsons yard is authorised for 5 vehicles and 2 trailers at the site whilst Wearmouth's are authorised for 10 vehicles and 3 trailers.

The development is detrimental to the health and welfare of neighbouring residents from the noise of large lorries, heavy plant and machinery which can go on seven days a week and at all times of day and night. Conditioning working hours and soundproofing of the building will have no effect as most of the activity takes place outdoors. There is nuisance through dust, smoke and fumes. The surface drainage, which goes into a ditch, could be contaminated.

Mrs S Gray

8 Elton Home Park, Sandy Leas Lane

The amenities on Sandy Leas Lane are not suitable for any expansion of the above company and not really suitable for the plant that is now being used. The features of the site and appearance of the building are not in keeping with the countryside, being too large and dominant on the skyline and an industrial site should be located elsewhere.

The site is quickly being developed without planning permission into an industrial site and the vehicles are damaging country lanes whilst drivers disregard other motorists. The hours of movement of vehicles as early as 5 am is annoying whilst lights are on all night indicating the operation is not restricted to daylight hours.

Hedges have been destroyed to allow for the building without permission.

J R and S Mantle

23 Elton Home Park, Sandy Leas Lane

Object to any enlargement of storage, repair and operating facilities, which would lead to an increase in the numbers and frequency of heavy plant and vehicles using Sandy Leas Lane. This is a country land completely unsuitable for this traffic and a quiet rural green belt area unsuitable for heavy industry.

Mr and Mrs Taylor

Florida Fields, Whinney Hill

The site has never been designated as an industrial one, permission was granted to run an agricultural contracting business although applied to use heavier machines from the site. There was very little noise from the site, which was not intrusive whilst traffic from the site did not churn up verges on Sandy Leas Lane. Since then, machines are much larger and more numerous, there are two heavy plant and machinery businesses operating from the site, the site has recently been enlarged to take agricultural land without permission for change of use, more traffic uses the lane which is used by other business. The large vehicles operated from the site make the use of the Darlington Back Lane difficult for other road users.

Janet Greves
Brackstone House, Darlington Back Lane
No objection

PLANNING POLICY CONSIDERATION

Where an adopted or approved development plan contains relevant policies, section 54A of the Town and Country planning Act requires that an application for planning permission shall be determined in accordance with the Plan, unless material planning considerations indicate otherwise.

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

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 EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

Policy IN15

Detailed proposals for industrial development will be assessed according to policy GP1 and should also provide screening to any outside storage areas.

MATERIAL PLANNING CONSIDERATIONS

7. The site has an established use and whilst both National and Local Planning Policy have a presumption against new development in the countryside, other than that which has a locational need; it is considered that the expansion of existing uses can be viewed more sympathetically. However; a need remains for them to be assessed against the general criteria of any new development with respect to its scale, appearance and impact on surrounding land uses.
8. The application relates to the retrospective approval of a building, which is effectively a revised proposal of an earlier approval (03/2747/FUL). The general principle of the building and its provision is considered to have been dealt with by this earlier approval which remains valid and which is therefore a material planning consideration in the determination of this new application.

9. In view of the above, the main considerations in determining this application are the visual impact on the surrounding area and the impact on adjoining properties. These are considered below.

Impact on the adjoining property

10. The immediately adjoining land is a paddock area associated with a residential property, which adjoins. The dwelling itself is located approximately 50m away from the nearest point of the building although the main section of the building lies approximately 57m away. The previous approval on this site provided 47m in between the building and the adjoining residential property.
11. The approved scheme allowed for a gable wall of the building to fall within between 2 and 2.5m of the boundary with the adjoining property. The gable wall of the approved building was 14.2m in depth, having a height to eaves of 5.5m and a height to ridge of 7.6m.
12. The gable wall of the building as being applied for has been increased in both its depth and its eaves and ridge heights. The revised gable facing the boundary with the adjoining property will therefore have greater mass resulting in a more overbearing and dominating impact on the adjoining property. However, the building, which is being applied for under this application, is distanced further from the boundary than the previously approved building (between 3.5 and 5m from the boundary with the adjoining property). There is a native hedge line between the residential property and the building which when in leaf will give some screening to the lower sections of the building although some of the additional bulk of the building is at a height above this hedge line.
13. It is considered that the proposed building would not have a significantly more detrimental impact on the adjoining property as a result of its additional distancing from the boundary, the distance of the building from the residential property and the re-cladding of the building in a material more in keeping with its rural setting.

Wider landscape Impact

14. As a result of the buildings increased height (additional 1.625m to eaves level and additional 0.675m to ridge) and length of elevations (additional 5.45m to front elevation and 7.6m to side elevation) from the previous approval, it is considered that the building has become more prominent within the wider landscape setting in its own right whilst has resulted in a greater mass to the group of buildings on the site which themselves have a negative impact on the countryside in general as a result of their industrial appearance. The additional depth of the building is however at a reduced height to that of the main building and as such has a limited impact as viewed from the wider area.
15. The proposed reduction in the width of the building as constructed will have a minimal affect on the buildings impact on the landscape; instead, it is the proposed re-cladding of the building which will have the greatest impact. The proposed use of vertical timber boarding is a traditional solution to the external cladding of large expansive buildings within the countryside. It is considered that the application of such cladding will assist in reducing the negative appearance of the current building whilst marginally soften the overall impact of the entire site on the wider area. In view of these factors, it is considered that the additional height and length of elevations will be adequately mitigated against through the proposed use of materials and subject to a high quality landscaping scheme to assist in breaking up the expanse of the elevations.

Other matters

16. The council's landscape officer considers a landscaping scheme is required in order to mitigate against the impact of the building. In view of the buildings mass and scale and ability to be seen from the wider area, a landscape scheme is considered to be absolutely necessary as indicated above. An area of proposed landscaping has been shown on the submitted plans; however, this does not fall within the application site boundary. As such it

is not considered appropriate to determine this application based on such provision as ultimately the initial implementation of such a scheme and its longer-term maintenance as normally required would be out with the control of the applicant. Instead, it is considered that landscaping should take place within the application site and a suitable condition has been recommended.

17. Several objections have been made in respect to the additional traffic using the site, considering that the existing levels of traffic are already a problem and that the roads, which give access to the site, are unsuitable for Heavy Goods Vehicles and the issues they raise. These are valid concerns and there is no doubt that this use would be more suitably located on a defined industrial estate where the use of such vehicles has been adequately planned and provided for. However, this site has an established use as well as approval for an industrial and office building under application reference number 03/2747/FUL. Having consulted with the Head of Integrated Transport and Environmental Policy and the Highways Agency with respect to the application, no objection has been raised. As such, it is considered the traffic implications of the proposed development are acceptable.
18. Objection has also been made with respect to the pollution generated at the site of noise, light, dust, smoke, fumes and windborne debris and its resultant impact on surrounding properties and wildlife in general. In addition, the Council's Environmental Health Unit has recommended conditions be attached to any approval relating to opening hours and the open burning of waste. Although all of these may be an issue at the site, it is considered that the majority of these sources of pollution can occur already as a result of the site's use whether the building is on site or not and permission is being sought for the building as against the use of the site. In this regard, it is considered appropriate to control elements of pollution associated with the building through conditions relating to its insulation, the fixing of any lighting and its hours of use.

CONCLUSION

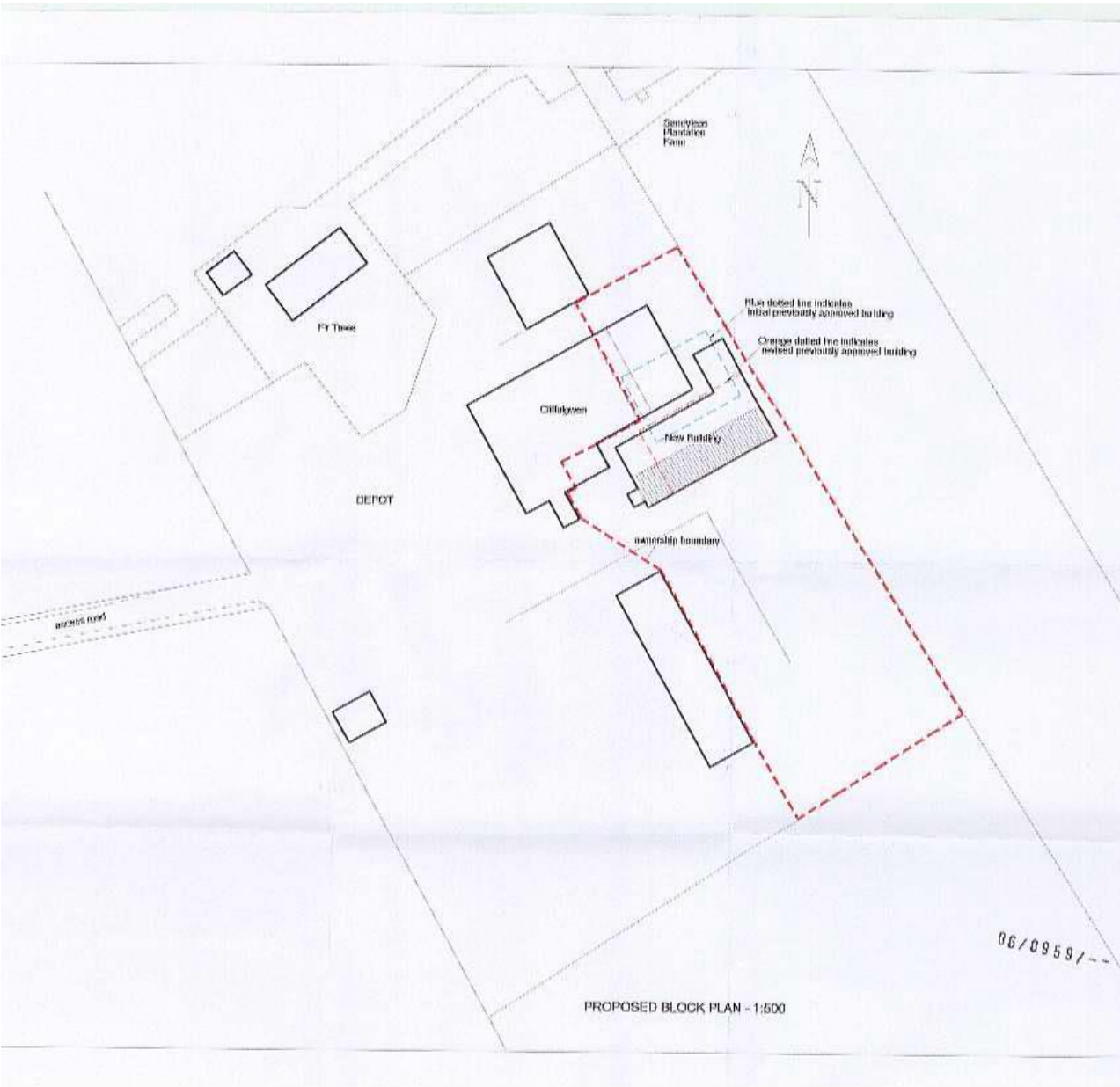
19. It is considered that the proposed increase to the previously approved scheme would result in an additional impact on the appearance of the wider landscape area as well as on the adjoining property to the east. However, as a result of the additional distancing from the boundary and the timber cladding of the majority of the upper section of the building, as achieved through the submission of a revised plan, the additional impact would not be significantly detrimental whilst subject to the implementation of a suitably located and specified landscaping scheme, it is considered the bulk, massing and appearance of the building would be acceptable.

Corporate Director of Development and Neighbourhood Services
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Ward **Western Parishes**
Ward Councillor **Councillor F. G. Salt,**

Appendix reference 1
Site location and layout plan
06/0959/REV

Wearmouth construction and plant, Cliffolgwen Depot, Sandy Leas Lane



Appendix reference 2
Building elevations and floor plan
06/0959/REV
Wearmouth construction and plant, Cliffolgwen Depot, Sandy Leas Lane

