

DELEGATED

AGENDA NO

**PLANNING COMMITTEE
15th November 2006**

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

06/3176/VARY

3 Acre Site, Princeton Drive, Teesdale, Thornaby, Stockton On Tees

Application under section 73 to modify condition no. 20 and no.21 of planning approval 06/0853/FUL for the erection of 5 no. three storey business units with associated car parking and landscaping

Expiry date: 11th January 2007

Summary:

On 21st August 2006, planning permission was granted on the residual land for the erection of 5 no. three storey business units with associated car parking and landscaping. Amongst others, that permission was subject to two related conditions required by the Highways Agency to address the likely impact of traffic generation on the A19 (T) and its junctions, specifically requiring details of improvements (i.e. a linked MOVA system) to the A66/Teesside Park junction and the A 19 (T), and those conditions are set out below:

“20. Prior to the commencement of development works on the site, details of improvements to the A66/Teesside Park junction (i.e. details of a linked MOVA system), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic on the A19 (T) and its junctions.

21. Prior to the first use or occupation of any part of the development, the required improvements to the A66/Teesside Park junction (as set out in Condition 20) shall be completed to the satisfaction of the Local Planning Authority.

Reason: To safeguard the safety and free flow of traffic on the A19 (T) and its junctions.”

The application seeks a ‘variation’ of the permission to amend the conditions, which require the submission of details of traffic management improvements at the A66/Teesside Park junction. This would allow the applicant to complete the development, but not allow occupancy of any part of the development prior to the installation of the traffic control system.

An application for a planning permission under Section 73, allows the Local Planning Authority the opportunity, should it wish to do so, to revisit any or all of the conditions attached to the previous permission; it does not however, allow the Authority to revisit of the principle of development.

As the circumstances and reasons for the imposition of the remainder of the conditions are unchanged, only the amendments proposed to the two conditions cited by the applicant should be considered. The main planning consideration is therefore the implication of the proposal on access and highway safety considerations.

The application has been publicised on site and in the local press. No letters of representation have been received.

The final comments of the Highways Agency and the Head of Integrated Transport and Environmental Policy are awaited. However, from discussions to date it appears that a MOVA system may not be necessary, but improvements to existing equipment would be required to ensure the safe and free flow of traffic on the A19 (T). Should this remain the case, the two related conditions would be further amended to require junction improvements rather than details of a MOVA system. The conditions set out above show the totality of the changes, but the final wording would be subject to the comments of the Highways Agency.

In light of the above assessment, it is recommended that the decision in respect of planning application number 06/3176/VARY be delegated to the Head of Planning and that the decision be to grant planning permission subject to conditions as set out above, or as amended to satisfy the requirements of the Highways Agency, and a legal agreement in respect of sum of £24,000 for bus stops on Harvard Avenue.

RECOMMENDATION

It is recommended that the decision in respect of planning application 06/3176/VARY be delegated to the Head of Planning for approval subject to resolution of the outstanding highway safety issues, the completion of a unilateral undertaking in accordance with the Heads of Terms and subject to the planning conditions as outlined below.

In the event of there still being outstanding matters on 11 January 2007 that the application is refused.

Conditions:

**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):- B604-1090rev D; B604-101-112***

Reason: To define the consent.

02. *A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are*

removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

- 03. *No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.***

Reason: In the interests of amenity and the maintenance of landscaping features on the site

- 04. *Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.***

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 05. *No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.***

Reason: To ensure the proper restoration of the site.

- 06. *No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.***

Reason: To ensure the proper restoration of the site.

07. ***A survey of the site shall be conducted to test for the presence of landfill gas within the existing ground. The results of this survey shall be submitted to the Local Planning Authority and written agreement shall be reached over any gas monitoring or control measures, which may need to be exercised.***

Reason: To reserve the rights of the Local Planning Authority to agree these details to ensure the proper restoration/development of the site.

08. ***Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge into any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund***

Reason: to prevent pollution of the water environment.

09. ***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.

10. ***There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.***

Reason: to prevent pollution of the water environment.

11. ***Floor levels of the building hereby approved shall, as indicated on Drawing No B604-100 Rev D, be 5.25m AOD unless otherwise agreed in writing with the Local Planning Authority.***

Reason: To provide nominal protection from future flooding of the area.

12. ***Development on the site shall not occur outside the hours of 8.00 a.m. - 6.00 p.m. weekdays, and 8.00 a.m. and 1.00 p.m. on Saturdays, and there shall be no working carried out on Sundays.***

Reason: In the interests of the occupants of neighbouring properties.

13. ***Prior to the occupation of each building hereby permitted, details for the implementation, monitoring and review of the Sustainable Travel Plan for the employees and visitors to the premises shall be submitted to and agreed with the Local Planning Authority. Such details shall include***

proposals to meet the objectives for sustainable travel as set out in the Framework Travel plan accompanying the application, to include: targets for mode share, provision of public transport services, provision for cycling and walking to and from the development site, timescales for implementation, monitoring, reporting on and review of the plan.

Reason: In the interests of sustainable development and to reduce the impact of development traffic on the adjacent trunk road network.

14. **The business units hereby permitted shall only be used for uses within Class B1 of the Town and Country Planning Use Classes Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: to define the consent and to enable the local planning authority to retain control over the development

15. **Prior to commencement of development hereby permitted, details of a scheme for the provision of parking bays for use by disabled persons shall be submitted to for consideration and approval by the Local Planning Authority. The details shall accord with the Council's Design Guide and Specification (Residential and Industrial Estates Development) Current Edition. The approved scheme shall be implemented in full and the bays available for use upon occupation of the building hereby permitted and thereafter for the life of the building hereby permitted.**

Reason: In order to provide sufficient and adequate parking for disabled persons, in the interests of highway and pedestrian safety.

16. **Prior to commencement of development hereby permitted, details of a scheme for the provision of 66 secure covered cycle storage spaces shall be submitted to for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full and the spaces available for use upon occupation of the building hereby permitted and thereafter for the life of the building hereby permitted.**

Reason: In order to provide cycle storage, to facilitate a sustainable method of transport.

17. **Notwithstanding details hereby approved, no development shall be commenced on site until a plan showing a visibility splay of 4.5m x 90m has been submitted to and approved in writing by the Local Planning Authority and the approved visibility splay has been achieved. The visibility splay shall be maintained free from objects or structures within it above 600mm in height.**

Reason: In order to gain adequate access into the site in the interests of highway safety.

18. **Notwithstanding the approved documents, and prior to the first use or occupation of any part of the development hereby permitted, details of a scheme for the provision of refuse vehicle turning facilities for Unit 3 shall be submitted to for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full**

and the turning area available for use upon occupation of the building hereby permitted and thereafter for the life of the building hereby permitted.

Reason: In order to provide refuse vehicle turning facilities within the site, to allow vehicles to enter and exit the site in a forward gear, in the interests of highway safety.

- 19. *Prior to the first use or occupation of any part of the development, details of improvements to the A66/Teesside Park junction (i.e. details of traffic management improvements) shall be submitted to and approved in writing by the Local Planning Authority.***

Reason: In the interests of the safety and free flow of traffic on the A19 (T) and its junctions.

- 20. *Prior to the first use or occupation of any part of the development, the required improvements to the A66/Teesside Park junction (as set out in Condition 20) shall be completed to the satisfaction of the Local Planning Authority.***

Reason: To safeguard the safety and free flow of traffic on the A19 (T) and its junctions.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan Policy/Policies set out below:

Tees Valley Structure Plan Policies EMP2 and EMP3, Planning Policy Guidance Note 13 'Transport' and Stockton on Tees Local Plan policies EN17 TR5, TR6

Heads of Terms

A unilateral agreement is required in respect of £24,000 for bus stops on Harvard Avenue.

BACKGROUND

1. The site is part of an area that has previous approval for office development granted in May 1998 (98/0005/P) but part of that land was subsequently developed as Stockton Riverside College. A further application to develop the remainder of the site for office development (00/2037/P) was withdrawn after initially protracted delays in agreeing the Transport Assessment and subsequently because part of the site was taken over for the new extension to Riverside College that is currently nearing completion.
2. On 21st August 2006, planning permission was granted on the residual land for the erection of 5 no. three storey business units with associated car parking and landscaping. Amongst others, that permission was subject to two related conditions required by the Highways Agency to address the likely impact of traffic generation on the A19 (T) and its junctions, specifically requiring details of improvements)(i.e. a linked MOVA system) to the A66/Teesside Park junction and the A 19 (T), and those conditions are set out below:

“20. Prior to the commencement of development works on the site, details of improvements to the A66/Teesside Park junction (i.e. details of a linked MOVA system), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic on the A19(T) and its junctions.

21. Prior to the first use or occupation of any part of the development, the required improvements to the A66/Teesside Park junction (as set out in Condition 20) shall be completed to the satisfaction of the Local Planning Authority.

Reason: To safeguard the safety and free flow of traffic on the A19 (T) and its junctions.”

THE PROPOSAL

3. The application seeks a ‘variation’ of the permission to amend the timing of the submission of details and implementation of the MOVA system as set out in the above conditions. This would allow the applicant to complete the development, but not allow occupancy of any part of the development prior to the installation of the traffic control system.

PUBLICITY

4. The application has been advertised on site and in the local press. No letters of representation have been received in respect of the proposal.

CONSULTATIONS

5. The following consultees were notified and any comments made are set out below.

Head of Integrated Transport and Environmental Policy

6. Comments awaited

Highways Agency

7. Comments awaited

Councillors

8. No responses received

PLANNING POLICY CONSIDERATIONS

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan 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 planning policies are considered to be relevant to the consideration of this application:

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 EN17

Within the urban development area, land is allocated at the following sites as appropriate for a range of uses, including industry, commerce, housing, sport, recreation, tourism and education:

- (a) Cleveland Industrial Estate,
- (b) Teesdale, Thornaby;
- (c) Boathouse Lane, Stockton;
- (d) Thornaby Place, Thornaby;
- (e) Yarm Road (East and West), Stockton;
- (f) Teesside Retail Park.

Other than the commitment to retail development at Teesdale, retail is not appropriate at these sites.

Policy TR5

Development likely to attract significant flows of traffic will be required to include provision for the safe passage of cyclists onto and within the site, and to any existing or proposed cycle routes adjoining the site.

Policy TR6

Development likely to attract significant numbers of people, whether as visitors or employees, will be required to provide on site secure and convenient cycle parking provision, the level of such provision to be agreed with the Local Planning Authority.

Adopted Tees Valley Structure Plan

Policy EMP2 of the Tees Valley Structure Plan (TVSP) states priority will be given to the development of business and industrial premises on brownfield

sites which recycle degraded or unused land; are well served by public transport and have good links with footpath and cycleway networks.

Policy EMP3 of TVSP states priority will be given to the development and re-use of offices in Town and District Centres.

In terms of National Planning policy, regard must be had to various Planning Policy Statements and Planning Policy Guidance Notes. Of particular relevance is PPG 13 'Transport'.

MATERIAL PLANNING CONSIDERATIONS

11. An application for a planning permission under Section 73, allows the Local Planning Authority the opportunity, should it wish to do so, to revisit any or all of the conditions attached to the previous permission; it does not however, allow the Authority to revisit of the principle of development.
12. As the circumstances and reasons for the imposition of the remainder of the conditions are unchanged, only the amendments proposed to the two conditions cited by the applicant should be considered. The main planning consideration is therefore the implication of the proposal on access and highway safety considerations.

Access and Highway Safety Considerations

13. The final comments of the Highways Agency and the Head of Integrated Transport and Environmental Policy are awaited. However, from discussions to date it appears that a MOVA system may not be necessary, but improvements to existing equipment would be required to ensure the safe and free flow of traffic on the A19 (T). Should this remain the case, the two related conditions would be further amended to require junction improvements rather than details of a MOVA system. The conditions set out above show the totality of the changes, but the final wording would be subject to the comments of the Highways Agency.

CONCLUSION AND RECOMMENDATION

14. In light of the above assessment, it is recommended that the decision in respect of planning application number 06/3176/VARY be delegated to the Head of Planning and that the decision be to grant planning permission subject to conditions as set out above, or as amended to satisfy the requirements of the Highways Agency, and a legal agreement in respect of sum of £24,000 for bus stops on Harvard Avenue.

Corporate Director of Development & Neighbourhood Services

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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

Tees Valley Structure Plan (February 2004)
Stockton-on-Tees Local Plan (June 1997)
Planning Policy Guidance Note No. 13 - Transport
Planning Application 06/0853/FUL & 06/3176/VARY

Ward	Mandale And Victoria
Ward Councillors	Councillor Mrs A Trainer Councillor S F Walmsley Councillor Mrs A J Norton