

DELEGATED

AGENDA NO.

**PLANNING COMMITTEE
10th January 2007**

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

06/3324/FUL

Site b; land east of Portrack roundabout, Billingham

Erection of workshop for haulage and hgv fleet and associated offices and external works, improved access road and signal controls to existing junction.

Expiry date: 25th January 2007

Summary:

This application is one of two applications sought for development on land adjacent to Portrack Lane roundabout. The second application relates to a dealership for the servicing and maintenance of Heavy Goods Vehicles (HGV's) together with additional services (app No. 06/3323/FUL).

The application site measures approximately 1.9 hectares and lies adjacent to the Newport Bridge approach road to the south and the TERRA nitrogen site to the northeast. At present the site is scrubland although there is currently has a separate access from the existing entrance to the Terra Nitrogen Site.

Under this application planning permission is sought for the erection of a workshop for haulage and HGV fleet, associated works and improved access road.

Recommendations:

Planning application 06/3324/FUL to be delegated to the Head of Planning and Environment for approval subject to the outstanding issues being resolved prior to the expiry date of the application and the following conditions below.

In the event of there still being outstanding matters on 24th January 2007 that the application is refused.

Approved Plans

Materials

Drainage (foul and surface)

Landscaping Plan (hard construction)

Landscaping – Planting plan

Planting and Maintenance specification

Means of enclosure

Tree protection measures

Land Contamination

Proposed Levels

Lighting details

Covered cycle parking
Bin Storage
Mitigation of protected species

Any other conditions as deemed to be necessary

Policy GP1, EN30 and EN32a of the adopted Stockton-on-Tees Local Plan, Planning Policy Guidance 4: Industrial, commercial development and small firms, Planning Policy Guidance No. 25: Development and Flood Risk, Planning policy Statement 1: Creating Sustainable Communities and Planning Policy Statement No.6: Planning For Town Centres are considered to be relevant to this decision.

Background:

1. This application is one of two applications sought for development on land adjacent to Portrack Lane roundabout, adjacent to the TERRA nitrogen site and the off the approach road to Newport Bridge. The second application relates to a development for a dealership for servicing and maintaining heavy good vehicles for Volvo (app No. 06/3323/FUL).

The Proposal:

2. The application site measures approximately 2.1 hectares and lies adjacent to the Newport Bridge approach road to the south and the TERRA nitrogen site to the northeast. At present the site is scrubland although there is currently has a separate access from the existing entrance to the Terra Nitrogen Site.
3. Under this application planning permission is sought for the erection of a workshop for haulage and HGV fleet, associated works and improved access road.
4. The proposed three-storey building lies to the southern edge of the plot will measure approximately 30m (wide) x 52m (long) and reach a height of approximately 12.5 metres. The building will also provide 2642 sq. metres of floorspace.

Consultations

5. The following Consultees were notified and any comments they made are below;

Councillor Jean O'Donnell

No objections, supports the application

Environmental Health Unit

Comments awaited

Engineers And Transportation

The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I comment as follows: -

Further information is necessary in relation to traffic distribution and its effect on the highway network, in particular Portrack Interchange.

It is proposed to signalise the site access with A1032 Newport Bridge Approach Road. However, further information is necessary before this is deemed to be acceptable.

At present we cannot support the proposed application due to current lack of information.

Highways Agency

Wardell Armstrong have produced a Transport Statement in support of the two planning applications for adjacent plots on the existing TERRA Chemical and utilities Company site at Portrack, Stockton. The report considers trip generation and distribution of the development traffic and has undertaken an operation assessment of the A19 Portrack Interchange. However, the following issues should be addressed before the results of the modelling of the impact of the development traffic are accepted.

- ❑ Clarification of the proposed staff numbers at the new development sites compared to the existing sites in order to confirm there will be no expansion of the existing operations
- ❑ An assessment of the parking provision on site in relation to proposed staff numbers and trip generation in order to confirm that an appropriate level of parking is provided. Reference should also be made to the Local Planning Authority standard guidelines.
- ❑ Further details of the gravity model adopted for the distribution of the development traffic should be provided in order to assess the proposed distribution.

Once this information has been provided further more detailed comments on the results of the TRANSYT modelling of the A19 Portrack Interchange, and a full response from the Agency to the consultation can be provided.

The Environment Agency

The Agency objects to the proposed development as submitted on the following grounds: -

Due to the subsequent information provided by Neil Scot of Scott Bros (letter dated 9 November 2006) the Flood Risk Assessment (FRA) is deemed unsatisfactory. The FRA does not include any information relating to the entire site ground raising of 1.2m, which is stated in Neil Scott's letter.

Northern Gas Networks

No objections to the proposed development although require the developer to contact them directly to discuss their requirements.

Northumbrian Water Limited

Advise that the developer should contact Northumbrian Water with regards to water supply and production. Also advise that area subject to oil or petrol spillages must be drained through an oil interceptor and that any discharge from the wash bay must be through the foul sewer via an oil interceptor.

Natural England

Thank you for consulting Natural England on the above proposal. Your email was received at this office on 4 December 2006 with the supporting documentation entitled *An Extended Phase 1 and Protected Species Survey of land adjacent to Portrack Roundabout, Teesside* (E³ Ecology Ltd).

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse affect in respect of species especially protected by law, subject to the following conditions (with reasons):

- No development shall take place unless in accordance with the mitigation detailed within the protected species report (*An Extended Phase 1 and Protected Species Survey of land adjacent to Portrack Roundabout, Teesside* (E³ Ecology Ltd)) including adherence to timing restrictions (no scrub or tree clearance during the bird breeding period of March-September inclusive unless checks by an appropriately qualified ecologist have shown nests to be absent within 5 days prior to the commencement of works)) and undertaking of confirming surveys for the absence of otter and water vole prior to the commencement of works.

Reason: To conserve protected species and their habitat.

The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. Any later decision on a licence application (if required) is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

As the otter is a European Protected Species, Natural England would further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range (as defined in Regulation 44 of the Habitat Regulations).

I would be grateful if you could provide me with a copy of the conditions if this application is granted planning permission. We would be happy to comment further should the need arise. In the meantime, if you have queries regarding any of the above, please do not hesitate to contact me.

Health And Safety Executive

Comments awaited

NEDL

Advise that the developer should pay attention to the Health and Safety Executives publications of working with and around electricity.

Landscape Officer

I refer to your memo dated the 6 November 2006 and comment as follows:

The site is located within an area of rough grassland with some mixed vegetation to the boundaries and the landscape value of the site is not significant.

All existing roadside vegetation should be retained and additional planting carried out to enhance the existing. Whilst new planting areas have been indicated on the Overall Site Layout Plan, the scale and extent of the boundary planting is not sufficient. A minimum width of 10.0m should be provided, incorporating native tree/shrub species. Extra heavy standard trees should be used within the mix to provide some instant impact.

A 2.4m high paladin security fence has been indicated as the boundary treatment. The boundary fencing should be in accordance with the council's fencing design guide. A paladin/palisade type of design would not be acceptable and a 2.4m vertical bar fence or welded mesh fence would be encouraged.

Full hard and soft landscape details should be provided to the following minimum standard:

- A. A detailed landscape plan for hard construction indicating materials and construction methods.
- B. Full boundary treatment details.
- C. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

In principle, I have no objection to the application, however the above additional information is required.

Middlesbrough Borough Council Planning Department

No objections

- 6. The application has been advertised on site and in the Local Press as well as individual letters being sent to neighbouring residents. The neighbour consultation period expired on the 11th December 2006. No letters of objection have been received to the proposed development.

Planning Policy Considerations

- 7. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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).

8. The following planning policies are considered to be relevant to the consideration of this application:

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 EN 6

Development proposals likely to result in harm to a protected plant or animal species or its habitat will not be permitted unless satisfactory provisions for these species have been made.

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.

Policy EN39

The expansion of existing industrial or commercial undertakings in the vicinity or hazardous installations will normally be permitted if it can be shown that additional people and buildings will not be placed at unacceptable risk because of the proximity of the installation.

The following planning policy documents are also considered to be relevant to this decision: -

Planning Policy Guidance 4: Industrial, commercial development and small firms
Planning Policy Guidance No. 25: Development and Flood Risk
Planning policy Statement 1: Creating Sustainable Communities
Planning Policy Statement No.6: Planning For Town Centres

Material Planning Considerations

9. The main planning considerations of this application are the impact on planning policy, the character of the area, amenity of the neighbouring properties, access and highway safety, and flood risk.

Principle of development;

10. The application site lies within the limits to development and is currently unallocated under the adopted 1997 Local Plan.
11. Given the type for proposed use, the industrial nature of the surrounding sites and the proximity to major transport routes the application site is, in principle considered to be an acceptable location for this type of commercial operation.

Character of the area;

12. The proposed development is situated within an area that has an industrial background. Given the location it is considered that the development will therefore not have a detrimental impact on the visual amenities of the area as a whole and that the design of the proposal is acceptable.
13. Though the control of outstanding details via planning conditions such as materials, means of enclosure and landscaping it is considered that a visually acceptable scheme can be achieved and the proposal is in accordance with policy GP1 of the adopted Stockton on Tees Local Plan.

Landscaping features

14. The Council's Landscape officer has commented that the site at present has little landscape value. Additional landscaping along the frontage would improve the overall appearance of the site and extra heavy standard trees would allow for instant impact. It is considered that any outstanding issues in terms of fencing or an overall landscaping plan/maintenance scheme can be addressed via planning conditions and the proposal overall accords with policy GP1 of the adopted Stockton on Tees Local Plan.

Amenity;

15. Given the commercial/industrial nature of the proposed development, the site and the surrounding premises it is considered that the proposed development will not have a detrimental impact on the workers of the surrounding sites or users of the proposed development that would justify a refusal under the criteria laid out in policy GP1.

Access and Highway Safety;

16. Both the Head of Integrated Transport and Environmental Policy and the Highways Agency have requested that additional information be supplied in order the impacts of the proposed development can be fully considered. The applicant's have been made aware of the additional requirements.
17. In light of the current situation it is considered that the Highways issues can most probably be resolved, however, should either of the statutory consultees raise any significant issues this may be sufficient enough to justify a refusal of the application.

Public Safety;

18. The Health and Safety Executive (HSE) have been consulted on the application and have initially sought confirmation over the number of people to be situated on site. Confirmation of the total number of employees has been sent to the HSE and a formal response is awaited.

Flood Risk;

19. The Environment Agency have been consulted on this application and raised an objection due to the information contained within the flood risk assessment, the applicants have been informed and it is anticipated that this issue will be resolved in the near future. Should this matter not be addressed then this may result in a refusal of the application and the development would be contrary to policy EN32a of the adopted Stockton on Tees Local Plan.

Impact on wildlife

20. Natural England have been consulted as part of the application and has no objections to the proposed development subject to the imposition of a planning condition. It is therefore considered that the proposed development will not have a detrimental impact on either wildlife habitats or protected species so as to justify a reason for refusal of the application.

Conclusion.

21. In conclusion it is considered that the proposed development is visually acceptable, would and is in accordance with policies GP1, EN6 EN32a and EN39 of the adopted Stockton on Tees Local Plan several issues are outstanding but should be able to be resolved, hence the application is recommended for approval subject to the outstanding issues being resolved before the expiry date of the application.

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 Local Plan

Regional Spatial Strategy

Tees Valley Structure Plan

Planning Policy Guidance 4: Industrial, commercial development and small firms

Planning Policy Guidance No. 25: Development and Flood Risk

Planning policy Statement 1: Creating Sustainable Communities

Planning Policy Statement No.6: Planning For Town Centres

Ward and Ward Councillors
Billingham South Ward
Councillors Mrs J. O' Donnell and M. Smith