

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE : 31st May 2007

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

05/1561/REV

**Corner Of Sadler Forster Way and Stockwell Avenue, Teesside Industrial
Estate, Thornaby
Erection of storage building associated car parking and landscaping.**

Expiry date: 21st July 2005

Summary

Planning permission is sought for the erection of a storage building and associated carparking and landscaping at the corner of Sadler Forster Way and Stockwell Avenue, currently a pond and landscaping is present on the site. The site is owned by One North East.

The application is a revision to application 04/1359/FUL, which sought to erect a similar proposal. The application was refused due to the loss of an area of open space and the lack of in-curtilage parking.

Letters of objection have been received from 6 local residents and businesses along with 4 separate petitions. The objections mainly relate to the loss of the wildlife habitat, loss of protected species and the inappropriate location of the building.

The proposed development is considered to achieve adequate spacing between existing units, which prevents significant undue loss of and amenity. It is considered that given the overall level of landscaping and open space provided within Teesside Industrial Estate a significant loss of amenity will not arise. It is also considered that the loss of habitat is compensated for by the provision of a replacement pond on adjacent land. Based on the comments of the Head of Technical Services, the access and parking provision of the site is considered acceptable

In view of the above, it is considered that the proposed development accords with the relevant adopted Local Plan policies and guidance, and it is recommended that planning permission be granted subject to the conditions identified below.

RECOMMENDATION

It is recommended that the application be approved subject to the following conditions:

- 01. The development hereby approved shall be carried out in accordance with the following approved plans: unless otherwise agreed in writing by the Local Planning Authority
Drawing Numbers:- RTA1 Rev C, OL/A4/BT50/Admin/12, RTA2 Rev C,**

Reason: To define the consent.

- 02. 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

- 03. Notwithstanding the submitted information a plan demonstrating the provision of 10no. covered and secure cycle parking spaces shall be submitted to and agreed in writing before the building hereby approved is occupied. The approved details shall be implemented before the building is occupied and shall be retained in perpetuity.**

Reason: In the interests of highway safety.

- 04. No development shall take place until a detailed scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify:**
- i. Hard and soft Landscaping**
 - ii. Detailed landscape specification for planting and maintenance**
 - iii. A plan identifying existing planting on the site which is to be retained**

The works shall be carried out during the first planting season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die or are removed or because 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

- 05. No development shall commence until a detailed scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of a replacement pond as identified in Appendix 2 of the May 2005 Ecological Study. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority, before the existing pond is removed.**

Reasons: In the interests of the visual amenity of the area

06. ***Prior to commencement of development a scheme of working in regards to the transfer of pond life between the two ponds shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented and adhered to unless other wise agreed with the Local Planning Authority***

Reason: To eliminate the risk of Signal Crayfish Escaping the vicinity of the development.

07. ***Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site a scheme of existing and proposed ground levels, including those in adjacent land and finished floor levels for all buildings within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.***

Reason: To take into account the impact of the development on the surrounding development.

08. ***Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.***

Reason: To achieve a satisfactory form of development.

The proposed development has been considered against policy GP1, TR15, IN15, IN1 of the Stockton on Tees Local Plan. It is considered that the scheme accords with these polices, as a significant loss of and amenity will not arise for neighbouring land users, it will not lead to a loss of highway safety and the loss of habitat is compensated for by the provision of a replacement pond on adjacent land.

BACKGROUND

1. Planning permission is sought for the erection of a storage building and associated car parking and landscaping. The application site is located on the corner of Sadler Forster Way and Stockwell Avenue in the Teesway Industrial Estate within Stockton-on-Tees Borough. The site itself measures approximately 100m x 70m and currently a small pond and landscaping occupy the site. One North East owns the land, whilst the applicants Orbluc LTD own the adjacent site and adjacent unit.
2. This application is a resubmission of planning application 04/1359/FUL, which was refused for the following reasons: ***"The proposal would result in the loss of a prominent area of open space that contributes significantly to the amenity of the locality, contrary to policy GP1 of the adopted Stockton on Tees Local Plan"*** and ***"The significant lack on incurtilage car parking provision will lead to on street parking to the***

detrimment of road safety and the free flow of traffic contrary to policy GP1 of the adopted Stockton on Tees Local Plan." This revised application has sought to address these reasons for refusal by increasing the number of parking spaces available and relocating the pond on an adjacent piece of land.

3. This revised application was originally submitted in 2005, however after objections raised by Natural England the applicant was requested to undertake a survey on the pond to identify if any protected species are present (specifically Great Crested Newts). Objectors have been re-consulted on the comments of Natural England as requested in submitted correspondence. This process has significantly delayed the determination of the application.

THE PROPOSAL

4. The applicant, Orbluc Ltd seeks permission to extend their existing premises onto the proposed site and erect a warehouse for the storage of furniture materials. The building will be 70m in length x 53m in width x a maximum height of 8.6m. The structure will be steel clad and will provide the applicants with an increased warehousing space and a small ancillary office space.
5. There will be a distance of 2m from the adjacent building belonging to Orbluc Ltd, which will be linked by an external walkway. A distance of 12m will remain to the boundary to Sadler Forster Way, to Stockwell Avenue car parking will be present, and to the north there will be a distance of approximately 36m to an adjacent unit owned by the Stanland Group.

PUBLICITY

6. Neighbouring land users have been notified individually, the consultation period expired on the 21.06.2005. Objectors were further re-consulted on the consultation response from English nature; the objections have been raised from the following addresses:-

C/O The Stanland Group, Sadler Forster Way
Unit 63G Lord Avenue
Maggie.taylor@renoir-shoes.co.uk
16 Orchard Road, Thornaby
7 Wolsingham Drive, Middlesbrough
1 Spital Gate, Yarm
Ashbank House, Sadler Forster Way
2 Barkston Close, Wolviston
25 Braemar Road, Billingham
41 Barford Close, Norton
35 Athol Street, Middlesbrough

In addition 4 separate petitions have been submitted.

The objections received are summarised as issues, set out below and addressed within the main report:-

Loss of the pond and amenity

Inappropriate location of factory, should use previously developed land or vacant plots
Loss of wildlife and protected species
Loss of light

CONSULTATIONS

Natural England (Summarised)

7. Based on the information provided Natural England advises that the above proposal is unlikely to have an adverse affect in respect of species protected by law.
However it is recommended that a condition be attached to any planning application requiring the applicant to submit and adhere to a scheme of working which will eliminate and risk of signal crayfish escaping the vicinity of the development.

Environmental Health Unit

8. I have no objections to this application

NEDL

9. No Objections

Northern Gas Networks

10. No Objections

Northumbrian water

11. New discharges of foul and surface water should be on separate systems surface water should be prevented from entering public surface water or combined sewers

Tees Valley Wildlife Trust

12. The Wildlife Trust Objects to this application as it will result in the damage to habitat features, which may support great crested newts

Urban Design Team (landscape)

13. I withdraw my objection to this application. This is based upon:- The ecological study prepared by INCA confirming that no species of ecological importance was found in the water body; no planting will have to be removed to facilitate the reconstruction of the pond on adjacent land and the full relocation proposals for the water body are to be prepared.

A landscape condition will have to be placed on any consent.

Urban Design Team (engineers)

14. No objections providing 10no. covered and secure cycle parking spaces are required

PLANNING POLICY CONSIDERATIONS

15. 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 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 TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

Policy IN15

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

Policy IN1

Land is allocated for business and general business uses (classes B1 and B2) at the Following Locations:

- b) Teesside Industrial Estate, Thornaby

16. In addition: Supplementary Planning Document 3 – Parking Provision for new development, Planning Circular 06/05 Biodiversity and geological Conservation – statutory obligations and their impact within the planning system and PPG9 Biodiversity and Geological Conservation are considered relevant to this application.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

17. The proposed site is located within the defined limits of development, however the land is unallocated as set out in the adopted 1997 Local Plan. Policy IN1 identifies adjacent undeveloped land for industrial uses. Storage and distribution are prevalent within the estate.
18. Although the land is unallocated it is considered that the principle of storage use is acceptable in a mixed industrial and business area, in land use terms, and therefore the principle of development is acceptable providing the criteria set out in policy GP1 are met.

Character of the surrounding area.

19. The surrounding area is characterised by large industrial, storage and business units, to the north and east of the site. Landscaping lies to the south and east of the site, which were undertaken in the original development of the estate. The landscaping which currently occupy the site contributes to the visual amenity of the surrounding area.
20. The proposed erection of the building will involve the removal of a pond and associated landscaping which formed one of the reasons for refusal in the previous application. To address this the applicant proposes to relocate the pond on an adjacent piece of land, although this does not form part of the application, details have been submitted on the design and location of the replacement pond, and a Grampian style condition is recommended to ensure this is achieved.
21. A number of objections have been received from local businesses over the loss of the pond and the landscaping area however after consulting the council's Landscape Architects and Natural England it is considered, on balance that the relocation of the pond adjacent the site would not significantly impact on the visual amenity of the area or impact on protected species. It is also considered that the relocated pond will be in a more prominent location within the estate than the original and also tie into an existing walkway in a landscaping belt, which should provide a more beneficial feature for the estate. The ecological aspect of the loss of the pond is detailed below
22. The site currently provides amenity space for the employees of surrounding businesses, a number of objections have been raised regarding the loss of this space. While it is appreciated that this area is valuable, it is considered that the overall level of landscaping and open space provided within Teesside Industrial is sufficient and a significant loss of amenity will not arise.
23. The site has not been identified in the recent open space audit or identified on the Local Plan proposals map and therefore is not subject to policy EN15 which relates to the protection of Urban Open Space.

The effect upon Wildlife life Habitats

24. The applicant has undertaken an amphibian assessment survey as requested by Natural England to test for the possible presence of Great Crested Newts. Based on the revised comments received from Natural England it is considered that there will be no impact on protected species, which could be present within the pond and surrounding area.
25. As stated above a condition will be detailed to ensure that the replacement pond has been constructed before any development commences. Any remaining pond life can therefore be transferred to the new pond to minimise any loss. It should be noted that Natural England has requested a condition to identify a scheme of work to prevent any signal crayfish escaping from the vicinity of the development.
26. As requested a further 10 days consultation period was given to objectors to review comments made by Natural England over the possible presence of protected species. An objection letter was submitted by Planning Consultants England and Lyle on behalf of the Stanland Group questioning the quality and reliability of the survey undertaken by the applicant. However after further re-consultation with Natural England (The relevant body as set out in Circular 06/05 Biodiversity and geological Conservation – statutory obligations and their impact within the planning system) it is considered that the survey was sufficient to detect Great Crested Newts.

Appearance of the development

27. It is considered that the appearance of the building will match that of surrounding units and proposed landscaping will screen the development to Sadler Forster Way and to Stockwell Avenue (full details of this landscaping will be required by condition). Overall it is considered that the development will have a minimal impact on the character of the area.

Amenity of neighbouring land users

28. A separation distance of 25m will be achieved from the proposed building and the adjacent property, no.1 Sadler Forster Way. Whilst a number of windows are present in this elevation, which supply light to office space it is considered due the separation distance and in view of the limited height of the buildings, a significant overbearing impact on adjacent buildings will not arise.
29. Overall it is considered that due to the nature of adjacent land uses, the erection of an additional storage building and car parking would have a minimal impact on the amenity of neighbouring land users. It is also considered that any increased levels of traffic will have a minimal impact on the amenity of neighbouring land users due to the nature of the site and existing uses.

Access and Parking

30. Supplementary Planning Document no.3 identifies that 40 spaces should be provided for a development of this nature. However the Head of Technical Services has no objection to 26 spaces being provided, due to the proposed use of the building, the number of additional employees and the existing parking provision. A condition will be attached to the application to ensure that 10 secure cycle parking spaces are provided as set out in SPD 3 and policy TR15.

Conclusion

31. The proposed development has been considered against the policies and documents identified above. It is considered that the scheme accords with these policies as the proposal is in keeping with the character of the area, does not lead to a loss of privacy or amenity for neighbouring landusers or impact on highway safety with the attached conditions. There are no material planning considerations which indicate that a decision should be otherwise and therefore the application is recommended for approval.

Corporate Director of Development and Neighbourhood Services

Contact Officer: Steve Pilkington 01642 526063

Telephone Number: 016412 526063

Email Address: stephen.pilkington@stockton.gov.uk

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

Adopted Stockton-on-Tees Adopted Local Plan (June 1997)

04/1359/FUL

Circular 06/05 Biodiversity and geological Conservation – statutory obligations and their impact within the planning system

Ward Stainsby Hill

Ward Councillors Councillor E Craggs
Councillor S Walmsley