



Appeal Decision

Site visit made on 14 February 2008

by **R R Lyon MA CEng MICE MRTPI FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
26 February 2008

Appeal Ref: **APP/H0738/A/07/2058599** **Teesside Industrial Estate, Thornaby, Stockton-on-Tees**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by North East Property Partnership against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/1416/FUL, dated 15 May 2007, was refused by notice dated 9 August 2007.
- The development proposed is a new roundabout junction on the A174.

Decision

1. I allow the appeal, and grant planning permission for a new roundabout junction on the A174 at Teesside Industrial Estate, Thornaby, Stockton-on-Tees in accordance with the terms of the application, Ref 07/1416/FUL, dated 15 May 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, all dated 10 May 2007: numbers 0001, 2053, TR/H/001, TR/H/002, AL(0)2300, AL(0)2200.
 - 3) No development shall take place until details of a scheme for the disposal of surface water and a surface water run off limitation scheme have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on site prior to the development being brought into use.
 - 4) No development shall take place until details of an ecological survey and associated mitigation scheme have been submitted to and approved in writing by the local planning authority. The development and its management shall be carried out strictly in accordance with the approved scheme and mitigation.
 - 5) Within 3 months of the works hereby approved being brought into operation a noise assessment scheme and mitigation plan shall be submitted to and approved in writing by the local planning authority. Any mitigation identified within the scheme shall be carried out within 6 months following the approval in writing by the local planning authority.
 - 6) No trees or landscaping on the site shall be lopped, topped, pruned or felled and no development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. 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 its protection in accordance with BS5837 2005 (Trees in Relation to Construction),
- d) Areas of level change,
- e) Precise locations of protective fencing,
- f) Areas of material storage within the site, and
- g) Excavations required for service runs

The development shall be carried out in accordance with the approved details. Planting works shall be carried out within the first planting and seeding season following the substantial completion of the development, and any trees or plants that within a period of 5 years from the date of planting die are removed or become seriously damaged shall be replaced with others of similar size and species in the next planting season unless the local planning authority gives written consent to any variation.

- 7) During the construction of the scheme hereby approved there shall be no development works undertaken outside the hours of 7.00 a.m. to 6.00 p.m. weekdays, 8.00 a.m. to 3.00 p.m. Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 8) Notwithstanding details hereby approved, there shall be no lighting provided for the roundabout other than that which is detailed within a scheme of lighting to be submitted to and approved in writing by the local planning authority before any development takes place.

Reasons

- 2. The appeal site is within land identified as land which would be the subject to infrastructure improvement under saved policy TR13 of the Stockton-on-Tees Local Plan. The proposed roundabout would be constructed at approximately the same level as the existing road. The resultant edge of the carriageway would be positioned closer to Marykirk Road to the north, some 44m from the nearest dwelling. A bund about 2m high relative to the road would be constructed between the dwellings and the A174 to mitigate any noise effects. Without the bund in place, the appellant's noise assessment shows a difference in noise exposure of up to 2dB. With the bund, there would be an improvement in noise exposure of up to 5-10dB. The closest property to the roundabout, 64 Marykirk Road, would benefit from this moderate benefit.
- 3. As far as the potential for increased noise at night is concerned, it may be the case that lorries would leave the industrial estate at unsocial hours; but that would be happening already. Instead of passing the Marykirk Road properties at high speed on the A174 without bunding as they would do presently, with the roundabout in place the speeds would be low, traffic flows would be low, visibility would be good and bunding would be in place. I see no reason why the noise environment would be worsened in such a situation.
- 4. There are a number of objections to the scheme on the grounds of noise, but these have been assertions. The noise assessment was carried out using a well established methodology, and I note that the Council's technical officer accepts the report. I have seen nothing to persuade me to do other than accept the noise assessment conclusion that there would be no material harm to living conditions arising from noise from the proposal.
- 5. The noise bund would also screen cars on the roundabout; currently the road is on an embankment without screening. Additional tree planting would enhance

the visual screening. A resident suggests that the toe of the embankment would be against the fence, but the drawings clearly show a considerable gap between the two; the informal footpath near the fence would remain at its current level. Despite the generally expressed fears that privacy would be affected, I judge that a consequence of this screening would be that privacy would be enhanced.

6. It is the case that the proposal would require the removal of some trees at the edge of 2 areas of woodland on the east side of the roundabout. Given the total area of the woodland and the fact that it is not protected, I consider that this would be a limited loss that could be mitigated in part by new planting. I do not regard the loss as materially harmful in this case. I conclude that the proposal would not adversely affect the amenities of nearby residents and would comply with saved policy GP1 of the Stockton-on-Tees Local Plan.
7. The proposed roundabout would provide good traffic distribution to the road network, traffic would travel slower on approaching the roundabout. The proposal would cope with the predicted traffic forecast and would not add any congestion or delays to journeys. The Council's Corporate Director was able to report this to the Council from the submitted material. From my examination of the material, I would reach a similar conclusion. There is no suggestion that the design of the roundabout is other than in accordance with best practice. The proposal is a straightforward piece of highway engineering and, despite the fears of the Council and others, I have seen nothing to suggest that it would harmfully affect the highway. I conclude that the proposal would not harmfully affect the free flow of traffic or highway safety.
8. I have considered what planning conditions are necessary apart from the usual commencement condition. I will identify the relevant plans to define the permission. To ensure adequate drainage, the Council's approval of a drainage scheme will be required. Although the submitted ecological report raised no alarms, I will require a report to take full account of any protected species. I will require a noise assessment to be carried out after the completion of development to ensure the efficacy of the measures proposed in the scheme.
9. To provide visual amenity and protect landscape features, I shall require approval of and implementation of a landscaping scheme. To protect residents from unnecessary noise and disturbance during construction, I shall impose a condition limiting the hours of working. A condition will require the Council's separate approval of a lighting scheme to protect residents from light pollution.
10. The appellant has made a planning obligation under s106 of the Town and Country Planning Act 1990 to contribute towards the closure of a road(s) near the site in the event of the proposal causing unforeseen traffic distribution on the Industrial Estate. I consider that the obligation is reasonable and necessary to protect the safe and efficient functioning of the highway network.

RR Lyon

INSPECTOR