

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

DATE 9th APRIL 2008

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

08/0371/FUL

87 - 91 Oxbridge Lane, Stockton

Revised application for demolition of petrol station, car sales building, workshop and canopy. Erection of new convenience store, new canopy, tanks, pump islands relocation of existing jet wash and additional jet wash.

Expiry Date: 14 April 2008

### SUMMARY

Planning permission is sought for the redevelopment of existing petrol filling station, jet wash, car wash, car sales, and car repair garage. The proposed scheme includes a convenience store, petrol station, 2no jet washes, water point, air and car vacuum, access and landscaping.

The planning application has been publicised by means of individual letters, and 23no letter of objection have been received objecting to visual amenity, noise and disturbance, increased traffic and highway safety. There have been no objections from consultees and Ward Councillors.

The main planning considerations relate to the principle of development, impact of the redevelopment on the character of the area and street scene, impact on the amenity of the occupants of neighbouring properties in terms of visual amenity, noise, disturbance, emissions to air, access and highway safety, including internal manoeuvrability, landscaping and visual impact.

It is considered that overall the proposed development is acceptable and is recommended for approval with conditions.

### RECOMMENDATION

*It is recommended that planning application 08/0371/FUL be APPROVED subject to the following conditions:*

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>735/15A</i>	<i>6 March 2008</i>
<i>735/16</i>	<i>15 February 2008</i>
<i>735/12</i>	<i>15 February 2008</i>
<i>SBC0002</i>	<i>15 February 2008</i>
<i>SBC0001</i>	<i>18 February 2008</i>

**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. 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.**

- 04. 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.**

- 05. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the buildings 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 developments impact on surrounding properties.**

- 06. Before the jet washes, refrigeration, air conditioning, air pump, car vacuum plant are brought into use, the buildings, structure plant and equipment shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be installed in accordance with the approved scheme and thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.**

**Reason: To prevent noise disturbance in the interests of the amenity of the occupants of neighbouring premises**

07. ***Notwithstanding the approved plans prior to the commencement of the development hereby permitted, a scheme for the protection of adjacent premises from over spray from the jet washes shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be implemented prior to the first use of the jet washes hereby permitted.***

***Reason: In the interests of the amenity of adjacent properties.***

08. ***Notwithstanding the plans hereby approved, before development commences a scheme detailing a 2.4m high acoustic wall and fence around the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected before the development is brought into use and thereafter shall be retained and maintained in accordance with the approved scheme for the lifetime of the development hereby permitted.***

***Reason: In the interests of the amenity of the neighbouring properties***

09. ***No development shall be commenced until details of all the means of enclosure on the site have been submitted to and approved by the Local Authority. Such means of enclosure as approved shall be erected before the development hereby approved is occupied and retained thereafter for the life of the development hereby approved.***

***Reason: In the interests of a visual amenity.***

10. ***Any internal or external lighting shall be shielded and arranged so as not to shine directly towards any dwelling and prevent any light spillage beyond the boundary of the premises, details of which must be submitted to and approved in writing by the Local Planning Authority prior to installation.***

***Reason: To prevent light pollution in the interests of the amenity of neighbouring properties.***

11. ***Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the Council's Design Guide, Specification (Residential and Industrial Estates Development) current edition BS4428: 1989, Code of practice for General Landscape operations, and the Horticultural Trades Association (2002) Code of Practice. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development or prior to the occupation of any part of the development whichever is the sooner.***

***Reason: To ensure a high quality-planting scheme is provided in the interests of visual amenity that contributes positively to local character and enhances bio diversity.***

12. ***Prior to commencement of development notwithstanding the proposals detailed in the submitted plans a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, be submitted to and approved in writing by the***

**Local Planning Authority. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved**

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

- 13. Notwithstanding the proposals detailed in the submitted plans no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development, whichever is the sooner. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.**

**Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area**

- 14. The car park shall be constructed, surfaced and marked out in accordance with the details shown on Drawing Number 735/15A, before the development hereby approved is brought into operation and that area shall not thereafter be used for any purpose other than the parking, loading and unloading of vehicles.**

**Reason: To make proper provision for off street parking.**

- 15. Prior to the first use of the development hereby permitted, the proposed 'exit' and 'entrance' and 'no parking areas' shall be constructed, surfaced and marked out in accordance with Drawing Number 735/15A, and retained and maintained throughout the lifetime of the development.**

**Reason: In the interests of highway safety and manoeuvrability within the site.**

- 16. During construction of the scheme hereby approved there shall be no operation of plant outside the hours of 8.00a.m. - 6.00p.m. Weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.**

**Reason: To avoid excessive noise and disturbance to the occupants of nearby properties**

- 17. The premises shall not be open for business or goods for sale, nor shall stock or supplies of fuel be delivered thereto, outside the hours of 6:00 and 21.30 Monday to Sunday.**

**Reason: To ensure that the amenity of the occupiers of the adjoining residential properties are not adversely affected by the development.**

18. **The jet washes, air/water towers and vacuum machine equipment shall not be operated on the premises before 7am on weekdays or 8am on Saturdays and Sundays nor after 8pm on weekdays and 7pm on Saturdays and Sundays.**

**Reason: In the interests of the amenity of neighbouring residents.**

**The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be a suitable use for the local area and will not have an adverse effect on the vitality and viability of the neighbourhood centre or Stockton Town Centre, or have an adverse impact on the amenity of the occupants of neighbouring properties, highway safety or landscaping and there are no other material considerations which indicate a decision should be otherwise.**

**Adopted Stockton on Tees Local Plan (June 1997)  
GP1 General Principles**

**Alteration No 1 of the Stockton on Tees Local Plan  
S21 Petrol Filling Stations**

**Planning Policy Statement 6: Planning for Town Centres**

**Supplementary Planning Document 3: Parking Provision for New Developments**

## **BACKGROUND**

1. Planning permission was granted for the demolition of the existing petrol filling station and the erection of three retail shop units with associated car parking, (05/3462/FUL). The proposal incorporated three separate retail units totalling 686sqm of retail space. This scheme has not been implemented, but remains a valid consent.
2. Planning permission was sought for the erection of a retail unit, petrol filling station, automatic car wash and jet wash. (Application 07/3166/FUL) to which 18no objections were received. The application was withdrawn in order to address matters relating to noise, car parking and landscaping.

## **PROPOSAL**

3. This revised application seeks planning permission for the redevelopment of existing petrol filling station, jet wash, car wash, car sales, and car repair garage. The proposed scheme includes a convenience store, petrol station, 2no jet washes, water point, air and car vacuum, access and landscaping.
4. The applicant seeks consent for the erection of a convenience store measuring 29 metres x 13.3 metres x 5.455 metres high, located to the east of the site and when built would replace the existing small garage store/canopy. The proposed building will incorporate a sales area of approximately 280 square metres, cash office, storeroom and a staff room.

5. The proposed canopy, tanks and pump island will be in the centre of the site and replace the old canopy/automatic car wash.
6. The proposed jet washes will be sited to the rear of the site in the northwest corner. Each unit will measure 5.6 metres x 3.4 metres x 4.2 metres high and replace an existing workshop.
7. The proposal includes 13 no. parking spaces to the west and north of the site and areas of landscaping and modifications to the existing access to create an exit/entrance system.

## **CONSULTATIONS**

The following Consultations were notified and any comments received are set out below:-

### **Urban Design Manager**

#### *Initial Comments*

#### *Highways Comments*

8. The increase in floor space raises the number of parking spaces required from 8 to 9. A total of 13 customer parking spaces are proposed (1 for staff) and a disabled parking bay and this level of provision is acceptable and in accordance with SPD3.
9. The revised layout enables each parking space to be utilised. It also provides sufficient space for service vehicles to manoeuvre within the site. However it is recommended that the disabled bay is relocated ATMs attract a large number of transient trips and vehicles try to park close to the ATM. It is necessary for the manoeuvrability of HGVs that vehicles do not park outside the store. The HGVs must be able to circulate around the site and enter and exit the site in a forward gear. It has been demonstrated that this can be achieved assuming the hatched area remains clear. The applicant should either mark the road or install bollards to restrict parking next to the building. To further ensure traffic circulates efficiently through the site the applicant should ensure the western access is the entrance and the east access exit only. I have no objection to the development subject to the above issues being addressed.

#### *Landscape & Visual Comments*

10. The application is acceptable in principle subject to points raised below. The proposal represents improvements on landscape and visual grounds. I would query if the planting bed to the sales/shop road frontage could not be increased to encompass the proposed new sign. I still feel the possibility of using climbers to the gable of no.93 should be investigated, this presenting a large open expanse. Planting to the rear of the site noted as a softening device, details of the enclosure should be submitted and means of protection to the landscape beds generally.
11. Should the application be recommended for approval, the following appropriate Landscape Conditions relating to hard and soft landscaping and means of enclosure.

#### *Final Comments*

#### *Highways Comments*

12. Amendments have been made in line with previous comments therefore we raise no objections.

*Landscape & Visual Comments*

13. With reference to the revised drawings and information recently submitted I have no further comments to add to those in my memo dated 21 February 2008.

**Councillors**

14. No comments received.

**Environmental Health Unit**

15. No objection in principle to the development, however would recommend conditions be imposed on the development relating to;

- Noise disturbance from plant
- Noise disturbance from access and egress to the premises
- Possible land contamination
- Light Intrusion
- Nuisance from over spray from the jet wash and car wash
- Construction Noise

**Northumbrian Water Limited**

16. No objections

**Northern Gas Networks**

17. No comments

**NEDL**

18. No comments

**PUBLICITY**

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

**W Hussain, 101 Oxbridge Lane' Stockton-on-Tees**

I object due to noise and levels of cars. We do not need another convenience store.

**Mr Michael Kennedy, 54 Oxbridge Lane' Stockton-on-Tees**

I am in favour of the modernisation of the petrol filling station but object to 24-hour use as this will cause more noise and disturbance.

**Mrs S Pearce 12 Malvern Road' Stockton-on-Tees**

Object to the size of the store, why do we need another one - How much extra noise from the car washes and until what time- How much extra traffic - it is chaotic at present so longer hours will worsen this. Access is dangerous to passing children.

**Mrs J Thompson, 7 Malvern Road' Stockton-on-Tees**

I object to the jet wash, as it is a lot taller than the structure already there. It will be unsightly and block out light to my garden

**Sherrie Hartley, 18 Suffolk Street' Stockton-on-Tees**

This development will impede the vision from Suffolk Street and will have an adverse effect on noise, traffic and fumes in a residential area

**Ian Harland, 2 Suffolk Street' Stockton-on-Tees**

I object as we have two other shops selling alcohol already. I also hear cars slamming and noise and want no more shops selling alcohol.

**E Walker, Flat Above' 75 - 77 Oxbridge Lane**

No need for store as we have two already and this will lead to extra cars trying to park.

**Mrs Nicola Palmer, 3 Malvern Road' Stockton-on-Tees**

I object as the proposed will lead to a loss of light, traffic, children will be disturbed on a night, possible damage to my garage during construction and access will be blocked during demolition

**Frances M Knight, 3 Rugby Road' Stockton-on-Tees**

I feel there are enough shops with the 2 existing mini-markets. We do not need another open later to attract unwanted attention and pollution. I also object to the jet washes, which will be noisy, and the present unclear access will make it worse for children

**Tracey Spencer, 12 Suffolk Street' Stockton-on-Tees**

Object as there will be more traffic on a night and therefore more noise. The privacy of the bedroom will be exposed and the back of my property will be more open to access from the alley at night

**Joan Matthews, 8 Suffolk Street' Stockton-on-Tees**

I do not object to the shops but against them selling alcohol due to anti-social behaviour and this will extend to 12 o'clock midnight.

More cars will go to the garage and we should be able to expect peace and quiet in our homes.

**Jenna Coles, 6 Suffolk Street' Stockton-on-Tees**

I object as previously – noise is bad from the existing 24 hour garage. I cannot open my windows due to the noise of the jet wash. The demolition would cause noise and dust.

Increase in traffic and pollution

I also object to the sale of alcohol - is it wise to sell it from a garage?

**Mrs M McCabe, 7 Suffolk Street' Stockton on Tees**

I do not object to the garage improvements but object to the 24 hours shop as it causes noise and disturbance. I object to an alcohol licence.

**Samantha and Tony Broadbent, 4 Harrow Road' Stockton on Tees**

We object to the application for the shops due to the alleyway to the rear of the existing shops, which causes problems with youths drinking now let alone until 12 midnight. We have no guarantees that this will not cause more anti-social behaviour and we already have 2 off-licences we do not need more

**Billy Lee, 60 Oxbridge Lane' Stockton on Tees**

I object to 24 hour opening we already have 2 shops open until 10 and do not need another

**Kate Greenaway, 20 Oxbridge Lane' Stockton on Tees**

I object as the traffic in this area is already busy. I like the 24-hour opening and the loss of the petrol station would be bad for the community. We already have 2no stores and I would object to the work opposite my house.

**I Johnson, 16 Wembley Court' Oxbridge Park**

Enough shopping facilities in the area and this will lead to an increase in traffic and noise.



The surrounding residents will suffer a loss of light and access and mess. The area needs a garage more than a store

**Gina Simpson, 4 Rugby Road' Oxbridge**

The convenience store will add to traffic in the area. The noise from the 24 petrol station is excessive and we have been woken. This extension will make things worse.

**E Robinson, 22 Windsor Road' Oxbridge**

Concerned about noise and traffic.

**Donna Storey, 10 Wembley Court' Stockton on Tees**

Concerned about level of traffic and there is no need for another convenience store.

**Miss Taylor, 75-77 Oxbridge Lane' Stockton on Tees**

I object to the demolition. These plans are no different from last time and I will still suffer noise and shouting and need to keep my windows closed

**Lisa Featherstone, 7 Rugby Road' Stockton-on-Tees**

- Traffic is noisy and disruptive
- We already have two stores
- Car Sales is disruptive and I can hear phone ringing

**Anon, Malvern road'**

I strongly object to the proposed revised application erection as this would lead to conditions prejudicial to highway safety because the use of existing cramped access to serve the petrol filling station. This proposed retail unit would then lead to both congestion at the junction with Oxbridge Lane as vehicles enter the premises and the conflict of pedestrian and vehicular movements within the site caused by the egress of retail customers across the petrol forecourt.

**PLANNING POLICY**

20. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. 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).
21. The following planning policies are considered to be relevant to the consideration of this application:-

**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 S1 of the Alteration No 1 of the Local Plan**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres at :
  - 1) Billingham
  - 2) Thornaby
  - 3) Yarm
- C) The Local Centres at:
  - 23) Oxbridge Lane, Stockton;

**Policy S21 of the Alteration No 1 of the Local Plan**

Development of new petrol filling stations or the sale or display of motor vehicles will only be permitted where : -

- i) they are located within the defined settlement boundaries as shown on the Proposals Map;
- ii) there will be no adverse impact on the amenity of nearby dwellings or highway safety;
- iii) The Class A1 retail element of the petrol filling station remains ancillary to the main function of the development and that the enterprise does not undermine the vitality and viability of the retail Centres identified in Policy S1 or put at risk a nearby local shop.

For the sale or display of motor vehicles, planning permission will be subject to a condition restricting the retail use to vehicle sales, parts and motoring accessories.

**Planning Policy Statement 6: Planning for Town Centres**

**SPD3: Parking Provision for New Developments**

**SITE AND SURROUNDINGS**

- 22. The site is currently occupied by a petrol filling station and its associated forecourt and shop. An automatic car wash is located in the centre of the site and there is also a jet wash. A vehicle repair garage is to the rear of the site and car sales to the west. All these structures are to be demolished should this application be approved.
- 23. Housing is located adjacent to the rear boundary and to the west of the site and retail units to the east. To the south of the site are an existing car sales premises and retail units.

**MATERIAL PLANNING CONSIDERATIONS**

- 24. The main planning considerations of this application are the principle of development, impact on the character of the area and street scene, impact on the amenity of the occupants of the neighbouring properties, highway safety, landscaping and visual amenity.

**Principle of Development**

25. The application site is a petrol filling station with a small ancillary shop. Also located on the site is a car repair workshop and Stevenson's Car Sales with a forecourt, showroom and associated offices. The application site is located within a defined neighbourhood centre, (D23 Oxbridge Lane, Stockton) as defined in Alteration No 1 of the Stockton on Tees Local Plan.
26. The applicant proposes to redevelop the site with the provision of a retail area, jet wash and petrol station. The applicant has stated that petrol filling stations alone are no longer profitable and businesses need to look for other ways to supplement the income of the petrol filling station and therefore the retail element is required to make the scheme viable.
27. Policy S21 of the Alteration No 1 to the adopted Stockton on Tees Local Plan states that new petrol filling stations will only be permitted within the defined settlement boundaries, where there will be no adverse impact on the amenity of nearby dwellings or highway safety and the Class A1 retail element of the petrol filling station remains ancillary to the main function of the development and that the enterprise does not undermine the vitality and viability of the retail centres or put at risk a nearby local shop.
28. The application site is within the limits to development and the amenity of the neighbouring properties is assessed later in the report. The consideration is whether the 280 square metre retail space is considered ancillary to the petrol station and whether it will undermine the vitality and viability of the retail centre. PPS6 states that 'where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely the viability and vitality of a local centre. Objections have been received which question the need for another store in the area.
29. Retail use has previously been approved on the site, (05/3462/FUL). The scheme incorporated three separate retail units totalling 686sqm of retail space. This scheme has not been implemented, but remains a valid consent and is a material consideration in the determination of this application. The approval included a condition that stated:
30. *"The retail units shall remain as individual units and shall not be altered internally to form either a reduced number of units or to form any unit greater than 325 square metres in gross floor area" and the reason this condition was put on was "in order to safeguard the role of the Stockton on Tees Town Centre, District Centres and local centres in accordance with the requirements of Policy S1 of the adopted draft Alteration No.1 to the adopted Stockton on Tees Local Plan."*
31. The three retail units were not considered to be of a scale which would unduly compete with the role of the Stockton Town centre. However the creation of a single unit of this size could have affected the vitality and viability of the role of the Town Centre or indeed the local and district centres which would be contrary to the guidance of Policy S1 of Alteration No.1 and therefore this condition was thought appropriate.
32. It is considered that the proposed retail element of the scheme at 280 square metres is not considered to be of a scale, which would unduly compete with the role of the Stockton Town centre and as such is considered to be acceptable. In addition, the proposed use would also result in less retail floor space than previously approved and therefore have a lesser impact.
33. In conclusion, the proposed scheme is within the limits to development and within a defined neighbourhood centre and it is therefore considered that the principle of development is acceptable.

#### Impact on the character of the area and street scene

34. The application site at present consists of a number of various uses, building styles and materials and overall has an aesthetically poor, cluttered appearance within the defined neighbourhood centre.
35. It is considered that the proposal would remove a number of uses, (car sales and car repairs) and also a number of buildings which are untidy in appearance, such as the flat roofed two storey/single storey sales room, the automatic car wash which is prominently located in the centre of the site and also the corrugated iron building to the rear of the site.
36. The design of the proposed development is functional. The proposed retail building has a maximum height of 5.455 metres, and it is considered given its location and dimensions would not dominate the street scene. It is considered that the proposed redevelopment of the site will improve the appearance of the site in the street scene.
37. The proposed jet washes have been situated to the rear of the site close to the north-western boundary and views of the proposed car wash are therefore restricted to close views and in visual terms this again is considered to be an improvement.
38. Overall it is considered that the proposed redevelopment of the site will not have an adverse impact on the character of the area or the street scene, and will improve the appearance of a substantially 'cluttered' site.

#### Impact on neighbours

39. The gardens of the residential properties in Malvern Road (11-19 (odd)) lie to the rear of the site adjacent to the northern boundary. 93 Oxbridge Lane (which is owned by the applicant) and 1-9 (odds) Malvern Road are adjacent to western boundary. To the east of the site is a post office (79/81 Oxbridge Lane) and properties in Suffolk Street, which back onto an alleyway to the eastern boundary of the site.
40. A vehicle repair garage and its associated parking share a common boundary to the rear of the site. This existing use is likely to already have detrimental impacts on the surrounding residential premises in respect to noise and air pollution. Objections have been received from some of these residents relating to visual amenity, noise and disturbance and traffic.

#### Visual amenity and noise/disturbance – Jet Wash

41. Objections have been received from the occupiers of 3 and 7 Malvern Road regarding the impact of the jet wash building as it is taller than the building already there and will lead to a loss of light and noise.
42. The proposed jet wash building is 4.2 metres in height and will be partially screened by a 2.4 metre high wall with the top 1.8 metres of the building visible. The jet wash building would replace an existing building, which has an overall height of 4 metres. It is therefore considered that the proposed jet wash building, which will be sited approximately 16 metres from the rear of the houses in Malvern Road (No 5 & 7) will not have an overbearing and overshadowing impact upon these neighbouring properties over and above that already experienced, and sufficient to warrant refusal of the application. The properties to the north (13 & 15 Malvern Road) will be approximately 12 metres from the proposed jet wash (No 13 has a conservatory which reduces this distance to approximately 9 metres). However, the area to the rear is heavily landscaped and a 2.4 metre high acoustic wall will be erected. It is considered that the proposal will not be overbearing or cause overshadowing over and above that caused by the existing workshop unit.

43. The objectors also mention the possible noise from the jet washes. It is acknowledged that some noise disturbance may occur and therefore the Environmental Health Manager has requested the car wash, jet wash, refrigeration, air conditioning, air pump, car vacuum plant are insulated against the emission of noise and a 2.4 metre high acoustic wall be erected around the perimeter of the site. In order to further protect the amenity of neighbouring residents the hours of operation of the jet wash should be controlled (7am - 8pm on weekdays and 8am - 7pm on Saturdays and Sundays) and that suitable abatement plant is installed to capture any over spray.
44. On the basis of controls in respect of noise insulation, hours of operation, installation of an acoustic barrier and that jet wash activities will be carried out in a properly constructed facility with suitable abatement plant to capture any over spray, the Environmental Health Manager is satisfied that the jet activities can be adequately controlled by condition and raises no objections to the facility.

#### Visual Amenity - Store

45. The proposed retail unit will be located along the eastern boundary adjacent to 79/81 Oxbridge Lane and 2 and 4 Suffolk Street. Objections have been received from 12 and 18 Suffolk Street stating that the proposed scheme would affect their privacy and outlook. The proposed retail unit will be 3.6 metres to the eaves and the overall height 5.455 metres.
46. The proposed building would be closer to the houses in Suffolk Street, on the east of the site although these are distanced by a rear access lane running between the two sites. There is a distance of approximately 12.5m from the main rear elevation (with windows) of adjoining properties and the rear elevation of the proposed retail building, which is considered to be sufficient to prevent any significant undue impact on the amenity of the occupants of these properties, particularly as a boundary wall, forms the site boundary in this location.
47. Objections have also been raised regarding security to the alleyway and possible anti-social behaviour. The proposed scheme does not alter the boundaries to this alley and therefore this proposal should have no impact on security or use of this alleyway.

#### Noise and Disturbance - Store

48. Objections have been received relating to the hours of operation and possible noise pollution from the proposed 24-hour use. The applicant has been to local residents meetings and through discussions in the meeting has agreed to reduce the hours of operation to 6am until Midnight. The current garage and shop have no restrictions and are operating 24 hours.
49. The previous application for the 3no retail units had a restriction on the opening hours to 06.00 - 2130hrs as it was considered that use of the premises during the hours of early morning or late evening could result in a detrimental impact to the amenity of the residents of surrounding properties when background noise levels are generally low. An appeal decision on application (04/2373/FUL) relating to the former petrol filling station and service station at Durham Road is considered material to the determination of this proposal. The application related to the provision of 3no. retail units with flats above and was conditionally limited to opening hours of 7.30am to 9.30pm. The planning inspector considered that late evening opening hours would cause an unacceptable degree of disturbance to the residential amenity of surrounding residential properties.

50. Whilst it is acknowledged that the existing petrol filling station operates 24 hours and this proposal will be an improvement on the current situation, in view of the proximity of residential properties within the vicinity of the application site on Oxbridge Lane, the planning history of the site and the appeal decision outlined above it is considered the same restrictions to opening hours should apply, these being 06.00 - 2130hrs.

### **Highway Safety**

51. The site falls within an area where there are existing retail uses to the eastern boundary and on the opposing side of Oxbridge Lane to the South. The proposed use will be similar in nature to these surrounding uses, attracting traffic in the same manner and through the provision of adequate parking and access; the proposed scheme should not have any detrimental impact on highway safety. As such, it is considered the proposed use should not have any detrimental impact on these properties.
52. The Head of Technical Services requested changes to the original layout regarding the positioning of a disabled bay, a method to restrict parking next to the building and methods to ensure the western access is the entrance and the east access exit only. Revised plans were submitted to take into account the above comments and accordingly The Head of Technical Services raised had no comments to make on the proposed scheme.
53. Objections have been raised regarding the potential conditions that would be prejudicial to highway safety because the use of existing cramped access to serve the petrol filling station and the retail unit leading to congestion at the junction with Oxbridge Lane as vehicles enter the premises and the conflict of pedestrian and vehicular movements within the site caused by retail customers walking across the petrol forecourt. The Head of Technical Services requested that an entrance/exit system be used to ensure that traffic circulates efficiently through the site, which should avoid any conflicting traffic movements. Footways are around the retail unit for use by customers to avoid any pedestrian/vehicle conflict.
54. Concerns have been raised over the potential increase in traffic movements, however Oxbridge Lane is a main route and it is not considered that this proposal would lead to a substantial increase in traffic in the area. Furthermore, the Head of Technical Services has no objection to the proposal in this respect.

### **Landscaping**

55. The Head of Technical Services has viewed the proposals and considers that the proposed scheme represents improvements to the site on landscape and visual grounds. A number of conditions relating to hard/soft landscaping and means of enclosure have been requested and conditioned accordingly.
56. The Landscape Architects also requested that the planting bed to the sales/shop road frontage be increased to encompass the proposed new sign; however the signage has not been given consent and will be subject to a separate application which may then be subject to additional planting if the signage is acceptable.

### **Other Matters**

#### Light Intrusion

57. The submitted plans do not show any floodlighting or external lighting, however it is considered prudent to add a condition requiring that adequate screening shall be provided to protect residential properties from any light intrusion from the development.

#### Sale of Alcohol

58. Many of the objections received relate to the sale of alcohol and associated anti-social behaviour from its sale.
59. The possible sale of alcohol is not a material planning consideration and is subject to a licence, which is issued and any conditions are enforced by Environmental Health.

#### Demolition and Construction Works

60. Concerns have been raised over the noise and disturbance during demolition works. Demolition of this garage and associated buildings do not require planning permission and outwith the concerns of this proposal could not be prevented. However a condition can be attached to control the hours of work to limit any noise and disturbance.
61. The occupants of No 3 Malvern Road also raise concerns over the access to their garage during the construction period. This is however a civil matter between the applicant and the neighbour and is not a material planning consideration. However the applicant is aware of the neighbours concerns.

#### **CONCLUSION**

62. Overall, it is considered that the proposed development is in keeping with the area in terms of style, proportion and materials and does not involve any significant loss of privacy or amenity in terms of overshadowing, overbearing, distance from noise or residue from onsite operations for the residents of the neighbouring properties.
63. The proposal provided retail and petrol filling facilities within the limits of development and neighbourhood centre and is therefore acceptable that in principle conditions can be attached to adequately control impacts arising from light intrusion, noise, over spray, construction noise and disturbance and general noise arising from the operation of the facility to ensure that there is no unacceptable loss of amenity for local residents.
64. The scheme would provide adequate dedicated parking and manoeuvring space within the site, and controls over ingress and egress are proposed. It is considered that these controls and the level of vehicular and pedestrian traffic and controls over their interaction would be adequate and the scheme is acceptable in access and highway safety grounds.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

#### **Financial Implications.**

None

#### **Environmental Implications.**

As Report.

#### **Community Safety Implications.**

Not Applicable.

**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 Local Plan (June 1997)

**WARD AND WARD COUNCILLORS**

**Ward**                      **Parkfield and Oxbridge**  
**Ward Councillor**      **Councillor M Javed**

**Ward**                      **Parkfield and Oxbridge**  
**Ward Councillor**      **Councillor R Rix**