

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 9<sup>TH</sup> APRIL 2008**

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

**08/0124/FUL**

**Land At Urlay Nook Road, Eaglescliffe, Stockton On Tees  
Revised application for the erection of storage warehouse and ancillary parking**

**Expiry Date 18 April 2008**

### **SUMMARY**

Planning permission is sought for the erection of a single industrial type pitch roof building, to accommodate storage area, office and welfare facilities. Externally, the site would provide bin storage, car and cycle parking, with an area of hardstanding to provide manoeuvring space. Access would be taken from Urlay Nook Road, the position of which necessitates relocating existing bus stops eastward.

In 2007, planning permission (planning application reference number 07/0301/FUL) was refused for the erection of storage warehouse and ancillary parking on the site

- *In the opinion of the Local Planning Authority, the proposal is considered to constitute a departure from the adopted Local Plan as a result of the site being unallocated within the adopted Local Plan and as a result of their being more than sufficient allocation of industrial land to meet local requirements for the foreseeable future, which emerging policy is seeking to reduce.*
- *In the opinion of the Local Planning Authority, the proposed development does not adequately provide for parking, footways, refuse collection points or cycle racks, being detrimental to highway safety and as such is considered to be contrary to Policy GP1 of the Stockton on Tees Local Plan.*

The application has generated 15 representations objecting and commenting upon the proposal in relation to availability of industrial land in Borough, access and traffic, loss of views, impact on the amenity of the occupants of neighbouring residential properties, impact on wildlife, matters arising from the Health and Safety Executive, possible pollution, devaluation of property, impact on the character of the area, impact on local recreation opportunities, lack of suitable workforce, vibrations and structural damage.

Egglescliffe and Eaglescliffe Parish Council and Long Newton Parish Council object to the proposal. Councillor J Fletcher has commented on the proposal.

There are no outstanding objections from consultees.

The main planning considerations relate to the principle of development in the light of planning policy and the previous refusal for development on this site, impact on the amenity of the occupants of neighbouring properties, impact on landscape and visual amenity, access and

highway safety, impact on wildlife, matters relating to issue arising from the Health and Safety Executive, and impact on public rights of way and recreation opportunities.

In conclusion, it is considered that taking account of the previous refusal, the site location and circumstances, and confirmation of the validity of the allocation on the adjacent site that the principle of development may be acceptable subject to individual environmental impacts. Those impacts have been assessed and it is considered that subject to conditions set out below that the development would not have an adverse impact on the amenity of the occupants of neighbouring properties, access and highway safety considerations, landscape and visual impact, nature conservation interests, health and safety matters, public rights of way and recreation opportunities.

## **RECOMMENDATION**

***It is recommended that planning application 08/0124/FUL be APPROVED subject to conditions in respect of approved documents, restriction of use, relocation of bus stops and provision of footpath, retention of visibility splay, illumination, outside storage, hard and soft landscaping, means of enclosure and street furniture, cycle storage, no outside storage, drainage, and any other matters arising.***

## **INFORMATIVE**

- ***Comments from Network Rail set out in paragraphs 47 to 57 of the main report.***
- ***Information in respect of any prospective developers legal responsibilities in respect of Protected Species***

## **BACKGROUND**

1. 05/0445/OUT Outline application for use of land for industrial purposes land at Urlay Nook Road, Eaglescliffe.
2. 07/0301/FUL Erection of storage warehouse and ancillary parking on land at Urlay Nook Road, Eaglescliffe – Refused on the following grounds
  - *In the opinion of the Local Planning Authority, the proposal is considered to constitute a departure from the adopted Local Plan as a result of the site being unallocated within the adopted Local Plan and as a result of their being more than sufficient allocation of industrial land to meet local requirements for the foreseeable future, which emerging policy is seeking to reduce.*
  - *In the opinion of the Local Planning Authority, the proposed development does not adequately provide for parking, footways, refuse collection points or cycle racks, being detrimental to highway safety and as such is considered to be contrary to Policy GP1 of the Stockton on Tees Local Plan.*

## **THE SITE AND SURROUNDINGS**

3. The application site comprises formerly used as a coal storage depot and railway siding bounded to the south by a railway line beyond which is an area allocated for industrial development in the Adopted Stockton on Tees Local Plan, to the north by Urlay Nook Road

and to the east and west by other agricultural/open land. The site has been cleared recently of vegetation exposing hardstandings and building materials.

4. The site is within the limits to development and unallocated in the Adopted Stockton on Tees Local Plan.

## **PROPOSAL**

5. The application proposes the erection of an industrial style building measuring 20 metres wide by 50 metres in length with a shallow pitched roof extending to a maximum height of 10.2 metres. The building would be finished steel sheeting and brick.
6. The building would also be used for the overnight storage of removal vehicles and would accommodate ancillary offices, staff room and toilet facilities.
7. A hardstanding is proposed to the east of the building to provide a manoeuvring space for vehicles visiting the site. Twenty (20) car parking spaces and 9 secure cycle storage bays would be provided.
8. Access to the site would be via a new two way access to Urray Nook Road and towards the eastern end of the site. Existing bus stops opposite Elementis Chromium on Urray Nook Road would be relocated 59 metres to the east of their current position to allow for the new access. In each full working day, the applicant envisages that fourteen (14) private vehicles, four (4) heavy goods vehicles and three (3) other vehicles would visit the site.
9. A refuse collection point is proposed to the east of the main hardstanding to the east of the proposed building.
10. The facility would operate between 07.30 to 17.30 Monday to Friday and 07.30 to 12.00 on Saturdays with no working on Sundays.
11. The application is supported by a Design and Access Statement and a Supporting Planning Statement.

## **CONSULTATIONS**

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

Spatial Plans Manager

13. No response received.

Urban Design Manager

*Highways Comments*

14. No objection in principle to this application.
15. Information has been provided for a relocated site access. Improved sight lines at the entrance have been provided as previously requested and are acceptable. The visibility splay should be maintained with no obstruction or planting above 600mm, any such planting should ensure good visibility without frequent maintenance. The requirement for revised visibility has been substantiated by the speed survey carried out by the applicant. I

also note the attempt of the applicant to stagger the revised access to the opposite junctions on Uraly Nook Road, this is also acceptable. This access will need to be constructed under a Section 278/38 agreement.

16. The position of the access necessitates the relocation of nearby bus stops, as detailed on the submitted plan, this will require a Section 106 agreement.
17. Parking provision for this development has been addressed as 2no spaces for the GFA of office and a minimum of 18no spaces for the GFA for the warehouse, giving a minimum of 20no spaces, in accordance with Stockton on Tees Borough Council Parking Standards.
18. There should also be a condition placed on the site which limits what type of business can be utilised from this site should this application be approved as different types of warehousing require differing number of spaces.
19. A segregated footway link to provide safe pedestrian passage within the site has been indicated. The proposed relocation of the bus stops should include a footway from the site access to the relocated bus stop to improve the accessibility of the development site.
20. The position of a refuse collection point has been indicated and demonstrates that it can be accessed safely.
21. Provision of secured and covered cycle racks has been indicated to provide for 9no cycles.

#### *Landscape & Visual Comments*

22. The site comprises of rough grassland and is of limited landscape value. In addition, there are no trees present within the site.
23. As a result I have no objection to the application, however in order to minimise the adverse visual impact of the development, tree and shrub planting will still be expected between this margin and the building.
24. The use of steel palisade fencing to enclose the development is not acceptable. The Council's fencing design guide is available for guidance on acceptable fencing systems.
25. Conditions in respect of means of enclosure and street furniture, soft and hard landscaping works and their subsequent maintenance should be attached to any permission granted.
26. I have no objection to the amendment to the site location and site plan, on landscape and visual grounds.

#### *Built Environment*

27. No comment received.

#### Environmental Health Unit

28. Recommends the conditions as detailed below be imposed on the development should it be approved.

#### *Possible Land Contamination*

29. 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.

30. If it is likely that contamination is present, no development shall commence until a Phase 2 site investigation scheme to involve risk estimation has been carried out. The developer must design and implement intrusive investigations to provide sufficient information on potential contamination.

Reason: To ensure the proper restoration of the site.

#### The Environment Agency

31. No objections raised to the proposal but recommends conditions which require that prior to be discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority, and that there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

#### Egglecliffe and Eaglescliffe Parish Council

32. The Parish Council comments that the previous response is still relevant for this application. (Set out below)
33. "I am instructed to inform you that my Council is most concerned at the extremely close proximity of the Elementis Chromium plant (this is well within the HSE's circle) also the adjacent railway line. My Council is of the opinion that there is sufficient warehousing already available in the locality without this building in this unsuitable location."

#### Long Newton Parish Council

34. The Parish Council has the following comments to make regarding the above application.
35. The Parish Council strongly opposes this application.
36. The proposal to create an industrial estate on this site will have a detrimental environmental impact on the village of Long Newton as well as the surrounding areas of Egglecliffe (especially Hunters Green) and Yarm.
37. There is industrial land available not only within Stockton Borough but within a few miles of this proposal at Allen's West and Durham Lane plus there is also the proposed development at DTV Airport on which work should soon commence. A development of this size and nature could be accommodated within one of these developments.
38. There is insufficient reliable public transport to service this site for employees, the relocation of bus stops is futile unless there are reliable frequent buses, this is not so to this site as the no 20 service runs once an hour until 6.30pm and there is no service on Sundays, this service is also not reliable.

39. Any additional industrial development at Urray Nook will have serious traffic implications on Long Newton, and an adverse effect on village roads. Access to the A66 is via Long Newton Lane, which is a narrow country lane without drainage. This road has been the scene of many accidents over the years including fatalities. It is not a suitable road to access an industrial site.

Councillor J Fletcher

40. My comments are based on what I know currently, and may be altered/supplemented by what I may learn.
41. There are references at various points in the Application to the 'bus service and 'bus stops. The bus stops alongside the site are currently out of use- Arriva service 20 comes along Urray Nook Road over the level crossing, stops at the corner of Long Newton Lane and then goes along that lane to Longnewton, and vice versa. It is hourly during the daytime, Monday to Saturdays. Routing via Longnewton was introduced at SBC's behest to compensate that village for withdrawal of services turning right onto the A66. I understand from Mr J Kavanagh (SBC Technical Services) that the bus services for Longnewton are being reviewed in conjunction with the forthcoming completion of the grade -separated junction there. Furthermore, the service between Yarm and the airport is dependent on subsidy through SBC.
42. The application site former BR operational land. With Elementis Chromium on the opposite side of Urray Nook Road, the railway along the S Side of the site and beyond that, land still zoned on the Local plan as employment land, it is difficult to envisage a more appropriate reuse of this brownfield site.

Final Comment

43. Based on what I know currently (which may be altered/supplemented by what I may learn), I have no further comments

Northumbrian Water Limited

44. The application has been examined and Northumbrian Water has no objection to the proposed development.

Northern Gas Networks

45. No objections and provides mains records for the area

NEDL

46. No objections and provides mains records for the area.

Network Rail

47. In relation to the above application we have no further comments to add since the previous application, and those comments should be brought forward with relevance to the current application. (Set out below)
48. "With reference to the protection of the railway, NR has no objection in principle to the development, but below are some requirements, which must be met.

49. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.
50. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rails property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
51. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.
52. Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rails Territory Outside Parties Engineer.
53. An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing. Network Rails existing fencing / wall must not be removed or damaged. We would recommend the Armco barrier is located where the proposed access road curves to become parallel to the railway.
54. Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rails boundary (minimum approx 1.8 metre high) and make provision for its future maintenance and renewal. Networks Rails existing fencing/wall must not be removed or damaged.
55. Method statements may be required to be submitted to Network Rails Territory Outside Party Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a fail safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic which must be booked via Network Rails Territory Outside Parties Engineer and are subject to a minimum prior notice for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement should be submitted for NR approval.
56. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.
57. Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of the lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application."

#### National Grid

58. No objections

## **PUBLICITY**

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

### **David Raw of Elementis Chromium Uray Nook Road**

59. Elementis Chromium remains opposed to this proposed development. Our comments made at the time of the first application remain valid.
60. The location of the proposed storage warehouse is not identified within Stockton B C's plan for small-scale industrial unit developments in the Borough and this ad hoc location is therefore inconsistent and contrary to the intention for controlled developments. Concerns remain for road safety associated with the entrance near to the bend in the road

### **S Luck of 6 Ettersgill Close Eaglescliffe**

61. I feel that permitting this application would open up the possibility of further industrial developments in this area, something I do not believe would be beneficial.

### **Mr And Mrs Meadley of 18 Cotherstone Close Eaglescliffe**

62. We would like to object to the application for the erection of storage warehouse and ancillary parking:
  - Excess traffic during the erection of the unit and following.
  - Ancillary parking is not required in that area.
  - Possible pollution due to not knowing what is to be stored.
  - Devaluation of property

### **Charles Michael Casson of 9 Cotherstone Close Eaglescliffe (Summarised)**

63. Increase in heavy goods vehicles/private car traffic along Uray Nook Road, and the negative impact on the residents and properties that they pass. Properties suffer from the impact of noise and vibrations from heavy goods vehicles and speeding vehicles. What will be the long-term impact on structural stability; will the Council be liable?
64. There is a recommendation that the weight limit for vehicles using the A67, to keep the HGV's away from Eaglescliffe. Why are the residents of the Hunters Green Estate being excluded from this protection? The Council should be protecting the right of homeowners to peaceful enjoyment of their property.
65. The proposed development does not benefit Yarm/Eaglescliffe. This type of user would need to cover a wide area to be successful. The current infrastructure to support this type of development is poor. The objector contends that the access to the east from the site is unsuitable due to size, configuration and location adjacent to dwellings.
66. The development would not improve the area and would not support sustainable development. There is no local workforce and very little local demand, poor access to main arterial routes
67. The developers main site at Middlesbrough has room for expansion, has better access to the main arterial routes, better access to public transport, and a larger pool of labour.



68. The development would turn the semi-rural area into a semi-industrial area and have a negative impact on the quality of life for existing residents.
69. The developer could have proposed the re-construction of the west access to Urray Nook Road and make it the main entrance to the site. Presumably this would have cost more.
70. The jobs are mainly low paid and this does not match the profile of Yarm/Eaglescliffe workforce. Therefore the workforce would have to travel into Yarm Eaglescliffe area and the public transport to the proposed location is almost non-existent. This development would add to congestion in the Yarm/Eaglescliffe area.
71. The proposed commercial development on the Durham Lane site, Portrack Lane and at Teesside airport should reduce the requirement for this development as they all have better access to the main arterial traffic routes. There are also 'Brown Field' sites where as the land.
72. The site is within the evacuation zone of Elementis Chromium works. The proposed level of traffic, both heavy goods vehicles and private car will restrict emergency services getting to the works.
73. The increased traffic will make it more difficult and dangerous for local people who have business at the Wilkinson Plant Centre and the allotments. It will increase the hazards for the children/teachers using the local primary and secondary schools.
74. Introducing heavy goods vehicles will curtail the area's use as a recreational area.
75. The landscaping is minimal and would therefore be seen from the houses on Hunters Green. Would the developer be prepared to wait for a tree screen to mature prior to starting development?
76. The development will negatively impact the plant and animal habitat adjacent to the proposed development, which is protected by European Law.
77. There are other brown field sites in the Stockton area, which offer better access to the main arterial routes and are in desperate need of development.
78. The 24/7 operational nature of the proposed development will have a negative impact on the value/saleability of the properties along Urray Nook Road.

Mark Scriven and Diane Scriven of 6 Grassholme Way Eaglescliffe  
(Summarised)

79. Object and oppose the application. This would bring increased traffic past my front window, increased noise to our housing estate, increased pollution, impose on the local wildlife habitat, have an increased risk to our children and animals living on the estate. Will obstruct the view of the countryside from my window, and decrease the value of my property.

Diane Scriven of 6 Grassholme Way Eaglescliffe  
(Summarised)

80. Oppose and object to the planning application. The proposal would disrupt views, increase traffic to Urray Nook Road, and be unsafe for children and dog walkers. Increase in noise would be unbearable.

R.Wilde of 58 Grassholme Way Hunters Green

81. I object for all the reasons stated above. (None provided)

Mrs Jill Simmons of 6 Egglestone Drive Eaglescliffe

82. I wish to object to the application on the grounds of the effects on the local area in terms of increased traffic causing increased pollution and unsafe roads for children. Also Eaglescliffe does not need another industrial area there is already the Durham Lane site, which is still not fully developed and not fully occupied. We do not need another half empty industrial development that will have a negative affect on the area, the industrial areas should be contained to one area i.e. Durham Lane

Mr & Mrs D W Boyes of 22 Cotherstone Close Eaglescliffe

83. We object to this planning permission based primarily on our concern for the increase of HGV vehicles on such a restricted B road. We have only just benefited from the stopping of HGV's which use the road to go to Elementis. There is a family housing estate with a LARGE CHILD population immediately adjacent to the road. Residents have already raised concerns with local councillors over the lack of speed controls on this stretch of road and increase in such large vehicle traffic means there will only be matter of time before a major accident occurs due to excessive speed. The opening hours 7 days a week means that residents will be woken up by the increased traffic volume and noise of such large vehicles every single day. We also object on the grounds that once permission is granted for this application it will open up a host of more like styled warehouse applications which we have already shown our concern over in recent months. This is a semi-rural area. Surely there is sufficient self-storage areas already in the local are (i.e. MOD Logistic site) we don't need more!

Mr R Cook of 20 Grassholme Way Eaglescliffe

84. I believe that there is land at the adjacent 'Admiralty' site and, if not, then there are development opportunities in Durham Lane such as the old brickworks. This area also has better access to the A66 and the traffic will not have to pass by residential areas.

George Kipling of 5 Newbiggin Close Eaglescliffe

85. The proposed development site is a mile by road from Allen's West Station. The first bus service starts after 7.30am and stops after 6.30pm and runs hourly. It is highly unlikely that people working on the site will use public transport.
86. The volume of traffic produced by 30 industrial units will create a significant increase in environmental, noise and traffic pollution.
87. If and when the proposed weight restriction takes effect on the A67 at Hunters Green Roundabout heavy traffic will be forced either to travel eastwards over the level crossing to join the A67, or to turn right at the above roundabout to travel eastwards. The latter option will cause extra noise and traffic pollution to the residents of Hunters Green.
88. This proposal is totally unsuitable for the location in which it is proposed.

George Kipling of 5 Newbiggin Close Eaglescliffe

89. Following receipt of further information, I wish to add further comments. I have been advised that the only access for heavy vehicles to and from the proposed site will be via the

western route of Urlay Nook Road to the Hunters Green Roundabout and then eastwards along the A67. Weight restrictions will bar the route through Eaglescliffe and the western access is deemed too dangerous. Does this mean that existing tanker traffic from Elementis will also be prevented from using the western access and therefore greatly increase traffic on the eastern route? I would point out that at the present time there is an existing traffic hazard in that the southern exit from Grassholme Way has poor sight lines to the north, which when combined with speeding vehicles from the railway crossing direction has produced a number of near misses. Additional traffic and non-adherence to speed limits will aggravate the problem, particularly if HGV's are involved. This is as well as additional noise and traffic pollution.

Mrs R Lowe of 26 Langdon Way Eaglescliffe

90. Living nearby to the proposed development is a great concern. We already have Elementis and its traffic; further industrial developments (this being the first of most definitely more) will cause more traffic. There are many families with children on our estate and more traffic means more potential accidents. Traffic speed is already a concern along Urlay Nook Road. More industrial developments we do not need, along with their additional traffic and noise.

Mark Swales of 11 Egglestone Drive Eaglescliffe

91. I strongly object to this proposal for several reasons listed below

- The proposed site will have a dramatic effect on house prices in the area.
- Increased traffic/noise etc.
- Prostitutes are known to congregate around industrial estates (some I'm led to believe)
- The site would be obtrusive and unsightly, being sited next to a desirable housing area.
- Great crested newts and other wildlife nest in the proposed building area and surrounding areas.

I strongly object to the proposal and have objected to previous applications.

Adam Hodge (Email)

(Summarised)

92. I am concerned with the traffic implications of this proposal which would have an effect on the traffic that would use the roads immediately surrounding Hunters Green estate which would have an adverse effect upon the quality of life for local residents in relation to both noise pollution and traffic flow surrounding the estate.
93. An increase in traffic would have an adverse impact upon safety, in an area with a relatively poor safety history. The A67 in particular would become even more congested and the small roundabout at the Hunters Green end of the A67 would become busier. This is a poor junction and is relatively ill defined.
94. The A67 heading into Yarm is also a very busy road with Yarm itself having significant traffic problems. Any development will add to these, given that travelling through Yarm is likely to be the route taken to the A19 from the site. In the opposite direction I echo the views of Long Newton Parish Council in relation to the effect the development may have on traffic in that particular village.

95. Question the environmental impact of the proposal. Coatham Forest is in close vicinity of the area and it now forms part of the Tees Forest.
96. Is further warehouse development required in Eaglescliffe? The site at the airport is to be developed and there are industrial units at Allen's West that are still to be let.

### **PLANNING POLICY**

97. 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).

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

99. 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 parking will normally be required to accord with standards set out in the Stockton on Tees Borough Council Design Guide and Specification Edition No. 1.

100. Planning Policy Guidance Note 4: Industrial, commercial development and small firms offers guidance on the range of issues relating to industrial and commercial development and small firms, and in particular that the planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance.
101. Supplementary Planning Document 3: Parking Provision for New Developments sets the Council's standards for parking standards associated with new developments.

- Planning Policy Guidance Note 13: Transport acts as a guide to ensure that the implications of development on the transport network are considered when making decisions sets out the

## **MATERIAL PLANNING CONSIDERATIONS**

102. The main planning considerations relate to the principle of development in the light of planning policy and the previous refusal for development on this site, impact on the amenity of the occupants of neighbouring properties, impact on landscape and visual amenity, access and highway safety, impact on wildlife, matters relating to issues arising from the Health and Safety Executive, and impact on public rights of way and recreation opportunities.

### Planning History

103. The previous refusal of planning permission for similar development on this site is a material consideration in the determination of this application. It is necessary to determine whether there have been any changes in the circumstances surrounding the previous decision, which would allow a different determination to take place.
104. The applicant's agent considers the matter of the principle of development in the Supporting Planning Statement, and as stated in the Report to Committee in respect of application 07/2437/OUT, sets out that the Local Planning Authority are not at a stage where they can justify the refusal of industrial developments on allocated land, despite an oversupply of employment land. The Statement seeks to justify development of this site because it lies between allocated and existing industrial land and should have been allocated for industrial use in the first instance, is open in nature, and unsuitable for agricultural development.

### Principle of Development

105. In accordance with government guidance, Stockton Borough Council has undertaken an assessment of existing policies, and along with those that remain, the principle of the development must therefore be assessed against other policies in the development plan, the emerging LDF and other material considerations.
106. An assessment of the site's character has previously determined that the site has reverted back to greenfield, having little or no evidence of its former use being significantly apparent. Recent excavations have revealed remnants of the site history, which indicate that the view could be taken that the site is brownfield. Nevertheless, guidance advises that although sites may be brownfield, this does not automatically mean that planning permission should be granted.
107. PPG 4 states that planning authorities should be realistic in their assessment of the needs of business and should aim to ensure there is sufficient land available which is readily capable of development.
108. The submission draft Regional Spatial Strategy provides a more localised context, indicating that the Tees Valley sub-region has an oversupply of general employment land, indicating that Stockton on Tees provide 235 hectares of employment land.
109. The annual monitoring report for the period 2005/06 indicates that there is sufficient allocated land within Stockton to more than meet the requirements of the RSS.

110. The Council has begun an Employment Land Review, which will inform the LDF, and as reported on previous occasions, a number of sites have been identified as being unsuitable to take forward in the LDF and are therefore recommended for de-allocation. One of these sites lies adjacent to the application site.
111. Since consideration of the previous planning application for this site (07/0301/OUT) a planning application (planning application reference number 07/2437/OUT) was submitted for the erection of an industrial estate comprising B2 and B8 use class units and associated means of access on the land recommended for de-allocation, as discussed above. In assessing that proposal, a review was undertaken of the status of the planning policy position in respect of the allocation. The Spatial Planning Manager at that time concluded that as there was no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question. The final conclusion was that the Council could not oppose the principle of development of the outline proposal as the site was, and is still allocated in the adopted local plan and whilst there is some evidence to suggest that the site should not be taken forwards, it is considered that this is not an overwhelming reason to override adopted Local Plan policy.
112. Notwithstanding this change of circumstance in respect of the adjacent site, there remains a well-documented oversupply of industrial land in the Borough, and as noted by many objectors, alternative sites within the Borough for this type of development.
113. It could be argued that as it seems more likely than ever since 1997, the publication of the Local Plan, and as argued by the applicant's agent that the adjacent allocated site would be developed, and that it would seem logical and sensible to allow this small area of land, sandwiched between two industrial users, to be developed for the proposed purpose albeit contrary previous recommendations and a primary reason for refusal.
114. On the one hand, this area is small and unlikely to prejudice the implementation of wider regeneration and economic development initiatives within the Borough by deterring investment from existing allocated sites. On the other, approval of this application could not only set a precedent for further piecemeal development of other unallocated and similarly previously used land, but would seem on the face of it to undermine the Employment Land Review.
115. Taking the balanced view, it seems that there would be some gain from development of the site in that it would tidy a now disturbed site and bring it back to some beneficial use, and whilst one may argue precedent, this site is unusually placed between an allocated site and an existing industrial use. Taking account of the fact that there is some likelihood that the adjacent allocated site may be developed in the near future, the individual site circumstances may, subject to individual environmental impacts discussed below, justify industrial development on this unallocated site.

#### Sustainability

116. The comments of objectors are noted in respect of the location of this development. Clearly, there are limited direct links with the surrounding areas of housing and services; however, there are reasonable links with surrounding highway networks, which for a use of this nature would be important. As such, sustainability is not considered to be sufficient reason for refusal of the proposal.

### Impact on the amenity of the occupants of neighbouring premises

117. The proposed building is located a significant distance away from existing residential properties. It is not considered, given operations at Elementis Chromium are to be found to the north of the site with the Police Tactical Training Centre and a small office building to the east, that the proposal would have an adverse impact on the outlook and visual amenity of the occupants of residential properties at Hunters Green.
118. Again taking account of the proposed use of this building, and the relatively low level of impacts that arise from the operation of such a use, that is given appropriate control and self-management by the operator; and distance from nearby residential properties, it is considered that the proposal is unlikely to have a detrimental impact on the amenity of the occupants of those properties through dust, odours, noise and general disturbance.
119. Many of the objectors referred to disturbance from vehicular traffic generated by the development. Although vehicles travelling along Urray Nook Road would be noticeable, given the fairly low level of vehicular traffic envisaged arising from the development, it is not considered objectionable on those grounds.
120. Related to this issue is that of vibration and structural damage to properties on Hunters Green arising from extra vehicles using Urray Nook Road. This is not a planning consideration in this instance, and would be a private matter between the operating company and the individual should the situation arise.
121. Other neighbouring uses include Elementis Chromium and the Police Tactical Training Centre. Given their commercial and industrial nature, it is not considered that the proposed use would have an adverse impact on the amenity of the users of those premises.

### Access and Highway Safety Considerations

122. The proposed arrangements for access, parking and manoeuvring are set out in paragraphs 7 and 8. The previous refusal of planning permission for development on this site was based partially on the adequacy of parking, footway, refuse collection points, and cycle racks, and proposed arrangements address those matters.
123. The Highways Officer notes that a Section 106 agreement is required for re-location of the bus stop and provision of footpaths. This matter can be secured by means of a Grampian condition.
124. One objector has raised the issue of weight limits and this matter will be addressed in an update report.
125. The concerns of objectors relate to the impacts and implication of an increase in traffic, particularly heavy goods vehicles on Urray Nook Road, noise disturbance and vibration. However, the Highways Officer does not share those concerns and has not objected on those grounds, and therefore this would not form a valid sustainable reason for refusal.

### Landscape and Visual Impact

126. The proposed building is located a significant distance away from existing residential properties. Industrial buildings and operations at Elementis Chromium are to be found to the north of the site with the Police Tactical Training Centre and a small office building to the east.

127. The applicant proposes some soft landscaping within the site and notes that the area within the visibility splay should be kept clear. Whilst in principle the approach taken is acceptable, planting can take place within the visibility splay provided that the species chosen are suitably low growing.
128. Some tree planting is shown on the submitted plans however, there is a good opportunity to further soften the impact of the built development on this site and the buildings of Elementis beyond, by carefully considered and executed landscaping and planting.
129. The applicant proposes the erection of palisade fencing along site boundaries. The Council's guidance (Security Fence Assessment January 2004) in respect fencing advises that steel palisade fencing has a poor aesthetic quality. In this semi-rural location, whilst it is appreciated that security is required, as advised by the Council's Landscape Officer, an alternative should be sought. Control of this aspect of the proposal can be secured by condition.
130. The Landscape Officer has no objection to the proposal in this respect subject to conditions in respect of mean of enclosure, street furniture, and soft and hard landscaping and a subsequent maintenance regime.
131. The proposed development would, in part, have a backdrop of the existing works immediately to the north. In view of the scale and appearance of these works to the north, it is considered that the design and appearance, although not of a high quality, would be acceptable within this location. The concern of objectors in respect of impacts on the quality of views from properties at Hunters Green is noted. However, given the separation distance of over 800metres, it is not considered that the proposed development would have an adverse impact on the outlook from those properties. The Council's Landscape Officer has not objected to the proposed scheme, and in the light of the above, it is considered that the proposal is acceptable in this respect.

#### Contaminated Land

132. Given the history of the site and past industrial uses, contaminants and pollutants may be present on the site. It is considered that the request of the Environmental Health Unit in respect of conditions regarding contaminated land are reasonable and could be attached to any permission granted.

#### Network Rail

133. The comments of Network Rail relate to drainage, construction and operational safety, landscaping and lighting. In respect of drainage, fencing, lighting, landscaping, these can be incorporated into suitably worded conditions, and the remaining operational requirements would be the subject of an informative were the application to be approved.

#### Ecology

134. The objectors' comments in respect of impacts on ecology and protected species are noted. The application site has been cleared and there is no evidence to suggest that the site is a habitat for wildlife or protected species. However taking the precautionary approach, it is considered that an informative should be attached to any permission granted reminding any prospective development of legal obligations in this respect.



### Health and Safety Executive

135. The application site is adjacent to Elementis Chromium, and within an HSE Consultation Zone. Policies EN37, EN38 and EN39 relate to development within those areas, however, none are specifically relevant as they concern the expansion of existing hazardous installations, residential development or development which attracts significant numbers of people, and expansion of existing industrial or commercial undertaking, Nevertheless, paragraph 2.91 supporting text to those policies explains the spirit of those policies which is relevant here, and that is to maintain public safety, by controlling the expansion of existing hazardous installations and development within the vicinity of those installations. Accordingly, the advice of the Health and Safety Executive (HSE) was sought which stated that "HSE does not advise, on safety grounds, against the granting of planning permission in this case."
136. The concerns of the Site Director of Elementis Chromium are noted. However, the professional advice given by the HSE is clear and safety is not considered to be a ground for refusal in this instance.

### **Other Matters**

#### Impact on the operation of the Railway Line

137. Network Rail does not raise objection to the proposal but provides details of safe working practices and considerations. The comments made can be appended to any permission granted as part of an informative.

#### Economic Devaluation of Property

138. Economic devaluation of property is not a material planning consideration.

#### Items to be stored

139. The application proposes storage for removals and storage. There is no indication that the goods to be stored would be hazardous or give rise to pollution.

#### Emergency Vehicles

140. Concern is expressed that emergency vehicles would not be able to access the site due to the increase in traffic arising from the development. Given that the envisaged level of vehicular traffic is relatively light and that the response of the Head of Technical Services does not raise this issue, it is not considered that the proposal would have the detrimental effect envisaged by the objector.

#### Recreational Use

141. The proposal has no physical impact on local public rights of way, and whilst the development would be apparent in the locality, in light of the surrounding semi-rural location with a backdrop of the industrial development to the north, it is not considered that the development would deter users of those local rights of way. It is noteworthy that the site is in close proximity to the Urray Nook industrial site allocation, which if developed would stand as a screen and backdrop to the proposed development. Matters relating to the visual impact of the development are raised in paragraphs 121 and 126 above.

### Hours of Operation

142. Objection is raised to the proposal on the grounds of a 24 hour 7 days per week operations. Paragraph 10 sets out the hours of operation, which are limited. However, the Environmental Health Manager has not raised concerns in this respect. Given this, the relatively isolated location of the site and the low-key nature of the development, a condition in this respect is not considered appropriate.

### Drawings

143. One representation refers to the lack of commitment to the height of the building. The application is accompanied by scaled drawings, which give the height of this pitched roof building to be 10.4 metres to the pitch and 8.6 metres to the eaves.

## **CONCLUSION**

144. In conclusion, it is considered that taking account of the previous refusal, the site location and circumstances, and confirmation of the validity of the allocation on the adjacent site that the principle of development may be acceptable subject to individual environmental impacts. Those impacts have been assessed and it is considered that subject to conditions set out below that the development would not have an adverse impact on the amenity of the occupants of neighbouring properties, access and highway safety considerations, landscape and visual impact, nature conservation interests, health and safety matters, public rights of way and recreation opportunities.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Ms Jane Hall Telephone No 01642 528556**

### **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)

Planning Application Reference Numbers 07/2437/OUT, 07/0301/FUL and

08/0124/FUL

Supplementary Planning Guidance Note 4: Industrial, Commercial Development and Small Firms

Supplementary Planning Document 3: Parking Provision for New Developments

Security Fencing Assessment January 2004

## **WARD AND WARD COUNCILLORS**

**Ward**

**Eaglescliffe**

**Ward Councillor**  
**Ward Councillor**  
**Ward Councillor**

**Councillor A L Lewis**  
**Councillor J. A. Fletcher**  
**Councillor Mrs M. Rigg**