

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 25th FEBRUARY 2009

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

08/3415/FUL

Asda Supermarket, Portrack Lane, Stockton-on-Tees

Revised application for erection of building for sui generis use for MOT and light servicing of Class 4 motor vehicles, with no repairs. Car valet canopy and greeting hut.

Expiry Date 17 March 2009

SUMMARY

The application site is situated off Portrack Lane and lies adjacent to Ceramic Tiles and Distribution (CTD) and the northern edge of the new ASDA car park. Access to the site is from the old Portrack Lane, which has been closed on the western edge with several bollards restricting access. A variety of industrial/commercial units and uses are located in close proximity to the application site.

Planning consent is sought for the erection of a 4 bay MOT and service centre for the 'In & Out' company. The application is put before Members for determination due to the number of objections received in relation to the proposed development.

A previous application (08/2178/FUL) for the erection of a building for MOT use and light servicing of motor vehicles, car valet canopy and greeting hut, was submitted and refused due to the loss of a previously agreed landscaping area and concerns over the lack of incutillage parking. More recently discussions have taken place between the agent, the case officer and the Urban Design team in order to highlight highway and landscaping issues and discuss possible solutions.

This current proposal is considered to have addressed the issues in relation to the impacts on the visual amenities of the locality and in relation to highway safety and has thereby overcome the previous reasons for refusal of the application. Consequently the proposed development is considered to be in accordance with saved policies GP1 and EN39 of the adopted Local Plan and is subsequently recommended for approval.

RECOMMENDATION

Planning application 08/3415/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>
2206 PO3K	20 January 2009

2206 P01A	21 January 2009
2206 P 06 REV B	21 January 2009
2206 P 04 A	25 November 2008
2206 P 06 A	19 November 2008
2206 P 07 A	19 November 2008
2206 P 10	19 November 2008

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 Prior to the occupation of the hereby approved unit a scheme for the provision and implementation of surface and foul drainage works have been approved by the Local Planning Authority, and implemented to the reasonable satisfaction of the Local Planning Authority.**

Reason: To prevent pollution of the water environment.

- 04 No development shall proceed unless in accordance with the findings and recommendations of the flood risk assessment.**

Reason: To reduce the risk from flooding.

- 05 No development shall be occupied until a flood warning and evacuation plan has been agreed with the LPA.**

Reason: to reduce the risk from flooding.

- 06 Prior to being 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 LPA.**

Reason: To prevent pollution of the water environment.

- 07 Notwithstanding the proposals detailed in the submitted plans the development shall not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these agreed details and retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority**

Reason: To enable the Local Planning Authority to control details of the proposed development, and to improve the appearance of the site in the interests of visual amenity.

08 Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

09 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

10 All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

11 Notwithstanding any information contained within this application full details of the method for bin and recycling collection shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied and shall be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory form of development.

12. No paint spraying shall be carried out except in a properly constructed part of the building to which filtration equipment has been fitted in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

13 No engine cleaning solvents are to be permitted on site unless a system is approved by the Local Planning Authority prior to installation and use.

Reason: To ensure a satisfactory form of development

14 A bonded impervious area shall be constructed where vehicles can be sited to drain off slump oil, gearbox oil, hydraulic fluids and battery acids. This area is to be drained into an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

Reason: To prevent pollution of the water environment

15 The commencement of the development authorised by this permission shall not begin until:

a. The Local Planning Authority has approved in writing a full scheme of works of improvement to:

(i) Portrack Lane, including the provision of a turning head and visual improvements to the western edge of the highway

(ii) Landscaping softworks to the west of the hereby approved development

and

b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

INFORMATIVE:

The proposal is considered to be visually acceptable and does not pose a significant risk to flooding, highway safety the amenity of neighbouring occupiers or to public safety. The development has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered not be to the detriment of the amenity of the neighbouring properties or highway safety and there are no other material considerations which indicate a decision should be otherwise.

GP1 – General Principles, EN39 –Hazardous Developments and EN32a – Flood Risk,

BACKGROUND

1. The application site is situated on part of the site of the former ASDA supermarket, which was demolished to create a new supermarket on an adjacent site (app ref no's 06/3008/FUL & 07/1178/ARC). The approved plans show that this area was to form part of the overall landscaping scheme for the development.
2. A previous application (08/2178/FUL) for the erection of a building for MOT use and light servicing of motor vehicles, car valet canopy and greeting hut, was submitted and refused due to the loss of a previously agreed landscaping area and concerns over the lack of incurtilage parking.
3. More recently discussions have taken place between the agent, the case officer and the Urban Design team in order to highlight highway and landscaping issues and discuss possible solutions.

PROPOSAL

4. Planning consent is again sought for the erection of a 4 bay MOT and service centre for the 'In & Out' company. The proposed building is to measure 24m (l) x 17m (w) and reach a maximum height of approximately 5.3m high.

5. A valet canopy is also detailed within the application, the canopy is situated on the eastern elevation of the proposed building and would have a maximum height of 3.3m. A total of 20no. parking spaces are proposed externally within the site.
6. Since the original submission revised drawings have been received widening the width of the application site, providing a turning head on Portrack Lane, providing additional landscaping at the front of the site, including the tidying up of Portrack Lane. Recently, further amendments have been made which include a pedestrian linkage and a further 2m of landscaping at the rear of the turning head.

CONSULTATIONS

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

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make:

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

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Urban Design Engineers

Reference drawing no: Proposed Site Plan 2206/P03 K

General Summary

The revised site plan has been considered and is acceptable in both highway and landscape terms as detailed below.

Highways Comments

The proposed MOT centre, on Portrack Lane is satisfactory as it accords with the Council's SPD3: Car parking in new developments with 21 spaces (including 2 disabled spaces) being provided. Manoeuvrability around the site is acceptable, refuse storage area is indicated and suggestions of how it will be collected have been submitted, this detail should be conditioned, should the application be approved.

Pedestrian links have been provided to the front of the development and are acceptable, a turning facility on Portrack Lane has been indicated and should be provided as a Grampian planning condition. The applicant is advised to contact the Highway Authority with regard to the implementation of this. Suggested materials for the entrance area have been made that are acceptable, however the final detail should be conditioned for approval to ensure it is to adoptable standards.

The development is acceptable in highway terms and it is considered that the provision of the turning area will be a significant improvement to the existing highway layout, I therefore support the application.

Landscape & Visual Comments

The provision of a 2metre landscape strip to the development frontage is acceptable, a detailed scheme should be conditioned should the application be approved. Suggested conditions are indicated below in the informative section:

Suggested conditions;
LANDSCAPING – HARDWORKS
ENCLOSURE & STREET FURNITURE
LANDSCAPING – SOFTWORKS
MAINTENANCE- SOFTWORKS

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- **No paint spraying**

No paint spraying shall be carried out except in a properly constructed part of the building to which suitable filtration equipment has been fitted to the satisfaction of the Local Planning Authority.

- **Bonded area**

A bonded impervious area be constructed where vehicles can be sited to drain off sump oil, gearbox oil, hydraulic fluids and battery acids. This area to be drained into an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

- **Engine cleaning solvents**

No engine cleaning using solvents to be permitted on site unless a system is approved by the Local Planning Authority prior to installation and use.

- **Chemical storage**

No chemicals shall be stored or used on site other than those agreed in writing with the Local Planning Authority.

- **Open burning**

No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

- **Unexpected land contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

The Environment Agency

The Environment Agency has assessed this application as having a low environmental risk.

Due to workload prioritisation we are unable to make a full response to this application.

Northern Gas Networks

No objections

CE Electric UK

No objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity.

The Health and Safety Executive

The HSE Does not advise, no safety grounds, against the granting of planning permission in this case.

PUBLICITY

8. The Following comments have been received from neighbouring occupiers in relation to the proposed development (in Summary)

Stephen Comerford - Dalmation Cars, Blue House Point Road

The site is part of the new ASDA site and should remain so.

Trevor Brown – CTD, Portrack Lane

Objections are raised to the proposed development due to concerns regarding car parking in the area, the increased flow of traffic with regards to traffic management and health & safety. Concerns are also raised in relation to increases in litter.

Portrack Mot Centre - Blue House Point Road, Portrack Ind Est

Objects to the development as the proposal will result in the loss of a landscaping area, which will add to the pleasantness of the site. Questions over the level of parking are also raised and they do not see what has changed since the previous refusal.

Comments on amendments:

This area should be left alone as per Asda planning permission. There is an ugly big car park and this landscaping helps to make the area more pleasant. This area has just been re generated and does not need any more development. Surely there must be a more suitable area in Stockton that needs regeneration. You have already declined planning on this area once. Is there also highway and parking problems? I see on the revised plan the introduction of a turning head. when blue house point road was closed off for the new development of Asda the turning point had to be large enough to turn articulated HGV's safely is the proposed turning head suitable for this as that area is part of the industrial estate then surely as that road is a dead end then there must be a provision to turn wagons around safely the same as in blue house point road.

Discount Tiles, Portrack Lane

Concerns are raised in relation to existing traffic problems and that the current scheme would further exacerbate an already difficult situation.

Mark Barrett - Discount Tiles, Portrack Lane

An earlier application was refused on the grounds of contravening policy GP11 for landscaping issues nothing has materially changed. This land was set aside for shrubbery and trees to enhance the scheme and Asda's re-siting, there should be no reason or grounds that this should be considered for approval as there are similar operations in the proximity which are working under capacity.

M A Plant Hire - Blue House Point Road, Portrack Ind Est.

States that the objection has already been turned down previously and cant see any difference in the revised plan and results in a loss of landscaping. Concerns are also raised in relation to extra traffic along Portrack Lane and the free flow of traffic.

Comments on changes:

Nothing has changed this area was designated landscaping for Asda development how can this change so soon in-n-out are proposing an extra 2m on their boundary taking away more landscaping. Also parking they say there will be 15 employees 4 service bays so is that not 27 parking bays required. This landscaping should not be removed

I notice on the revised drawings there is a proposed new hammerhead is this large enough for large HGV's to turn around in or is it just for small vehicles.

PLANNING POLICY

9. 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 is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

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 EN39

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

Policy EN32a

Proposals for new development will not be permitted within Flood Zones 2 or 3 as shown on the Proposals Map, or other areas identified as at risk of flooding, unless the applicant can demonstrate by means of a Flood Risk Assessment and sequential tests that:-

- i) there is no alternative site at no risk or at lower risk of flooding; and
- ii) there will be no increased risk of flooding to the development; and
- iii) there will be no increase in risk of flooding elsewhere as a result of the development.

Where permission is granted for development in flood risk areas, or for development that would increase the risk of flooding, appropriate flood alleviation or mitigation measures, to be funded by the developer, must be undertaken.

Other Planning Policy documents considered to be relevant to the determination of this application are;

PPS1 – Delivering Sustainable Development

SITE AND SURROUNDINGS

10. The application site is situated off Portrack Lane and lies adjacent to Ceramic Tiles and Distribution (CTD) and the northern edge of the new ASDA car park. Access to the site is from the old Portrack Lane, which has been closed on the western edge.
11. A variety of industrial/commercial units and uses are located in close proximity to the application site.

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are the impacts on planning policy, the character of the area, flood risk, the amenity of neighbouring occupiers, access and highway safety and public safety.

Principle of development;

13. The application site lies on the site of the former ASDA supermarket store which has only recently been demolished and although the site forms part of an industrial estate improvement area under policy IN14, this has since been deleted from the local plan. The site therefore has no specific Local Plan designations.
14. In addition following the reassessment of the Health and Safety Executives consultation zones policy EN39 of the Local Plan is also relevant to the determination of the application
15. The principle of development is therefore subject to policy GP1, EN32a and EN39 of the local plan and any relevant national planning guidance.

Character of the area,

16. Planning Policy Statement 1 (PPS1) outlines the government's stance in terms of requiring high quality design and role that this has within the planning system. PPS1 states that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area should not be accepted.
17. Within the surrounding area there is a range of commercial and industrial units all of which vary in size, style and colour. The proposed building is considered to be visually acceptable and will not have a detrimental impact on the character of the area as a whole. Whilst the visual appearance of the proposed unit may in itself be acceptable, consideration needs to be given to the wider aims of the redevelopment of the ASDA site and also to the implications the development of the proposed site could have.
18. Several of the objections received relate to the loss of landscaping on the site. Various changes have been made to the proposal in order to provide additional landscaping on the front of the site and also on Portrack Lane. Further planting to the western boundary of the site is also shown on land within ASDA's ownership. The Urban Design team have considered these changes and the latest proposal (as shown on drawing 2206/P03 K) and are satisfied that the depth of planting to the front of the site is acceptable, although a detailed scheme will be required.
19. As the proposal now includes soft planting to the front of the site, associated works to improve the appearance of the now stopped up Portrack Lane and agreement for further planting within the ASDA site, the proposal is considered on balance to provide additional benefits to the visual appearance of the wider area and accords with policy GP1 of the adopted Stockton on Tees Local Plan.

Flood Risk

20. Although the Environment Agency have not requested specific conditions as part of this application, conditions were requested on the previous application in relation to the development being in accordance with the submitted Flood Risk Assessment, a requirement for flood warning signs and the need for trapped gullies. It is considered reasonable to impose these conditions as the development remains similar to the previous submission and the proposal is considered to accord with policy EN32a of the Local Plan Alteration.

Amenity of neighbouring occupiers;

21. The application site would lie within a linear group of buildings, with the ASDA supermarket and car park to the rear. Given the commercial nature of the neighbouring units and the wider area, it is considered that the proposed use will not have a detrimental impact on the level of amenity that already exists within the area; the proposal is therefore judged to accord with policy GP1 in this respect.

Access and highway safety;

22. The head of Technical Services has considered the information put forward as part of the application in relation to the latest site plan. The proposal is considered to accord with the Council's SPD3: Car parking in new developments and manoeuvrability around the site is acceptable.

23. A pedestrian linkage has also been provided to the front of the development and a turning facility on Portrack Lane has been indicated and should be provided as a Grampian planning condition. Materials for the entrance area have been made that are acceptable; however the final detail should be conditioned for approval to ensure it is to adoptable standards.

24. Despite the objections received on access and parking grounds the proposed development is considered acceptable in highway terms and it is considered that the provision of the turning area will be a significant improvement to the existing highway layout. The proposed development is therefore considered to be in accordance with saved policy GP1 of the Local Plan in this instance.

Public Safety;

25. The proposal has been considered against the Health and Safety Executive's on-line consultation facility in relation to nearby hazardous installations. The HSE's advice is that they do not advise against the granting of planning permission on safety grounds. The proposal is therefore considered to accord with policy EN38/EN39 of the adopted Local Plan.

CONCLUSION

26. . The amended proposal has provided various changes to the layout of the scheme that have resulted in additional landscaping being provided to the front of the site and improved on the existing highway layout of Portrack Lane. This current proposal is therefore considered to have addressed the issues in relation to the impacts on the visual amenities of the locality and in relation to highway safety and has thereby overcome the previous reasons for refusal of the application.

27. Consequently the proposed development is considered to be in accordance with saved policies GP1 and EN39 of the adopted Local Plan and is subsequently recommended for approval.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

As report

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers.

Stockton on Tees Local Plan

Tees Valley Structure Plan

Planning Policy Statement 1; Delivering Sustainable Development

Planning Application 06/3008/FUL, 07/1178/ARC & 08/2178/FUL

WARD AND WARD COUNCILLORS

Ward	Stockton Town Centre
Ward Councillor	Councillor D. W. Coleman
Ward Councillor	Councillor P. Kirton