

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

25 FEBRUARY 2015

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

14/2901/VARY

Sainsburys Supermarkets Ltd, Whitehouse Farm, Bishopton Road West, Stockton-On-Tees Section 73 application to vary condition no. 8 (hours of operation) and condition no. 9 (delivery times) of planning approval 14/0985/FUL for a 3 pump petrol station to amend the opening hours to be Monday to Saturday 0700-2300 and Sunday 0800-2000 and the delivery hours to be Monday to Sunday 0700-2300

Expiry Date 28 February 2015

SUMMARY

This application seeks to vary the hours of operation and the delivery hours of the previously approved petrol filling station at the Sainsbury's store at Whitehouse Farm in Stockton.

The previous hours were conditioned as part of an approval granted in July 2014 by the Planning Committee for the Petrol Filling Station (14/0985/FUL) to between 08:00 -21:00 Monday to Friday, 08:00 to 22:00 Saturday and 10:00 to 16:00 on a Sunday. The hours of delivery were conditioned to between 07:00 – 22:00 Monday to Sunday.

Since the original submission the applicant has withdrawn the request for the opening hours and deliveries to commence at 06:00 hours each morning and has requested that the hours be amended to the following:-

Opening hours for the petrol filling station to between 07:00 – 23:00 Monday to Saturday and 08:00 to 20:00 on a Sunday and the delivery hours to between 07:00 – 23:00 Monday to Sunday.

The Head of Technical Services has no objection to the proposal in terms of highway safety, vehicular traffic and car parking. The Environmental Health Officers have no objections to the revised hours having regard to existing background noise levels.

Objections have been received from Councillor Cherrett, Councillor Kennedy and Councillor Stephenson has expressed a concern. Following the neighbour consultation, site notices and newspaper advertisement there have been 49 letters of objection received.

In summary, the objections relate to the following, highway issues, car parking issues, potential for further extension of hours, the lack of information in the noise assessment in relation to the impact on the residential properties, removal of the staffed kiosk could lead to 24 hour opening, anti-social issues, lack of consultation on original petrol filling station application, previous petrol station applications refused, need for further petrol station, devaluation of house prices, car park flooding, site security and the recent refusal of extension of hours of operation at Aldi, Darlington Lane Norton (14/2194/VARY).

It is considered that the revised proposed variation of hours of operation and the delivery hours

accord with the general principles of the National Planning Policy Framework. The variation in hours as proposed having regard to the supporting information accompanying the application demonstrates that there will not be an unacceptable loss of amenity for neighbouring properties, due to the existing background noise levels and it is considered that the scheme will not have an adverse impact on highway safety.

RECOMMENDATION

That planning application 14/2901/VARY be approved subject to the following conditions and informatives and subject to;

Conditions to remain in perpetuity

1. ***Hours of operation –Petrol Filling Station***

The opening hours of the petrol filling station shall be between 07:00 – 23:00 Monday to Saturday and 08:00 to 20:00 on a Sunday.

Reason : To prevent noise and disturbance in the interests of the amenity of the neighbouring occupiers.

2. ***Delivery Times***

No deliveries shall be made to the petrol filling station outside the hours of 07:00 – 23:00 Monday to Sunday.

Reason: To prevent noise and disturbance in the interests of the amenity of the neighbouring occupiers.

3. ***Defining Conditions***

This approval relates solely to this application for the variation of opening hours and delivery hours (Conditions 08 and 09) and does not in any way discharge the conditions contained in Planning Approval reference 14/0985/FUL, decision dated 10 July 2014, which conditions apply to this consent.

Reason: For the avoidance of doubt.

Informative 1: National Planning Policy Framework

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

BACKGROUND

1. The application site has been subject to a number of planning applications, which include the following;

S492/75; Refused application for a filling station on traffic grounds, decision dated 2nd May 1975.

S820/79; An outline application for the provision of a petrol filling station (no details provided) in the south west corner of the car park was refused on 21st May 1979 for the following reasons;

1)the proposed use would interfere with the parking provision of the supermarket complex and to disrupt the organisation and efficient functioning of the car park

2)the proposal would lead to an increase in traffic on the surrounding road network to the detriment of highway safety and free flow of traffic

3) the additional traffic would lead to a deterioration in the residential environment and the amenity the local residents may be reasonably expected to enjoy.

4) *the development proposed on the location shown would be visually obtrusive in the street scene to the detriment of visual amenity*

S408/80; A second outline application for a petrol filling station was refused for the same four reasons on 12th December 1980.

90/0348/P; Extension to internal and external refurbishment and provision of new car park layout (then occupied by 'Prestos Superstore'). The application was approved on 3rd December 1990 subject to a number of conditions including a restriction on hours of delivery to *'there shall be no deliveries to the premises between the hours of 10 p.m and 7 a.m. on any day following the occupation of the extension to the store as hereby approved'*.

97/0830/P; External Alterations, approved 18th June 1997 (then occupied by Safeway)

97/1333/P; Erection of covered trolley bay area, approved 3rd September 1997

00/1826/P; Retrospective application for roof mounted plant, approved January 2001

00/1827/P; Erection of a temporary storage container and 3m screen fence, approved 10th January 2001

04/3876/FUL; Retrospective application for the erection of a safety guard rail on roof of store, approved 22nd March 2005 (applicant Sainsbury's)

05/1372/FUL; Erection of 2 no. acoustic screen fences 1.8m high above flat roof level around existing plant on store roof, approved 23rd June 2005

14/1123/ADV; Erection of advertisements associated with proposed 3-pump petrol filling station to include 1 no. internally illuminated totem sign, 5 no. internally illuminated fascia signs and 7 no. non-illuminated other signs , approved 28th May 2014

14/0985/FUL Erection of 3-pump petrol filling station, associated kiosk and plant room and alterations to car park layout and landscaping, approved 10th July 2014

14/0985/NMA Non material amendment of planning approval 14/0985/FUL - Erection of 3-pump petrol filling station, associated kiosk and plant room and alterations to car park layout and landscaping to substitute kiosk for control room building, approved 15th December 2014.

SITE AND SURROUNDINGS

2. The application site is the Sainsburys Supermarket at Whitehouse Farm in Stockton. The main store is set back from Bishopton Road West with a car park to the front (south) and side (east) of the main store. Vehicle access to the store is from Barlborough Avenue located to the west.
3. Adjoining the supermarket building to the north east is the 'Senators' public house. Residential properties are located along Bishopton Avenue to the east of the site and Bishopton Road to the south-east. Along the southern boundary of the site is Bishopton Road West and across the highway is Stockton Sixth Form and the associated playing fields. Along the western boundary is Barlborough Avenue which provides the vehicular access to the wider residential estate and the application site and residential properties being No's 1-9 Barlborough Avenue. The northern boundary of the site is shared with residential properties along Barlborough Avenue, Tollerton Close and Mossborough Close

PROPOSAL

4. This application seeks to vary the hours of operation and the delivery hours of the previously approved petrol filling station at the Sainsbury's store at Whitehouse Farm in Stockton (14/0985/FUL).
5. The amended opening hours for the petrol filling station requested are between 07:00 – 23:00 Monday to Saturday and 08:00 to 20:00 on a Sunday and the delivery hours between 07:00 – 23:00 Monday to Sunday.
6. The current store hours of operation as shown on the applicant's website are between 08:00-21:00 Monday to Friday, 08:00 – 20:00 on Saturdays and 10:00 – 16:00 on Sundays. However there are no hours of use restriction imposed on the store and deliveries to the store are restricted between the hours of 07.00 to 22.00 and therefore from a planning perspective this is a material planning consideration.

CONSULTATIONS

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

Head of Technical Services

I refer to your memo dated: 04/02/15

General Summary

The Head of Technical Services raises no objections.

Highways Comments

There are no highway objections.

Landscape & Visual Comments

This proposal has no landscape or visual implications.

Environmental Health - received 13 February 2015

Further to the above application which has now been amended so the petrol filling station will not open or receive deliveries before 7am, Environmental Health have checked the acoustic consultancy report, and no longer object in principle to the proposed variation on noise nuisance grounds.

Environmental Health still have concerns regarding noise disturbance and would recommend opening hours of the Petrol Filling Station and deliveries to be limited to within 1 hour of opening hours of main store, however, we have no reason to object on noise grounds to the application if opening and deliveries are after 7am, as the increase in noise will have minimal impact on the existing ambient noise levels.

Environmental Health also have concerns regarding light intrusion from vehicles leaving the site, however this will similarly have minimal impact if opening and deliveries are restricted to after 7am, given existing vehicular use of the site.

Councillor Cherrett and Councillor Kennedy- received 24th November 2014

Re Sainsbury's Whitehouse Farm - application number 14/2901/VARY

Cllr Kennedy and I both object to this application for several reasons.

- 1) There is already a restriction on delivery times to the Sainsbury's store between the hours of 10.00pm and 7.00am to protect the amenity of local residents. Allowing the petrol station to be open outside of these hours, and to accept petrol deliveries at those times will completely negate that restriction. It is then only a very short step to having other deliveries outside of the 10.00pm - 7.00am restriction. The decision notice re 14/0985/FUL dated 10th July 2014 refers.
- 2) The noise impact assessment measures the distance of the houses on Barlborough Avenue from the site of the proposed petrol filling station. It takes no account of the fact that access and egress to the site is immediately in front of their homes and front facing bedrooms. Noise up to 11pm and as early as 6am is not acceptable. Headlights shining into bedroom windows, noise of vehicles braking, engines running, all at 6am or 11pm in a residential area primarily occupied by elderly people does not fit with Sainsbury's claim to be a good neighbour.
- 3) We are also concerned that application 14/0985/NMA seeks to change the approval given from a pay kiosk to a card only system of payment. It is easy to see how this approval could lead to a further application for the petrol station to be open 24 hours per day as no staff would be needed to service the petrol station. We understand from a meeting with Sainsbury's staff that the 11pm close time would be dependent upon a member of staff physically shutting down the filling station. As no staff will be directly employed to work in the filling station this will obviously be open to human error and may result in later operating hours if there is a queue at 11pm.
- 4) Previous problems of anti-social behaviour in the car park by skate board and bmx users took up a massive amount of police and enforcement officer time. The young people said that they used Sainsbury's car park because it was well lit and they felt safe there. Leaving the place lit up until 11pm will encourage these young people to access the car park.
- 5) A recent decision (14/2164/VARY): Aldi Supermarket, Darlington Lane, Norton to open from 8am - 10.00pm Monday - Saturday and 10.00am - 6.00pm Sundays was refused on the grounds that the opening hours "late into the evening as proposed, would result in an unacceptable increase in noise and disturbance thereby harming levels of residential amenity at a time of day when residents should be able to expect higher levels of amenity, contrary to the guidance contained within the National Planning Policy Framework". We submit that these proposed opening hours at Whitehouse farm will be as detrimental to residents as those at Darlington Lane, if not more so as later into the evening and earlier in the mornings and so urge refusal.
- 6) This is an application that could be growing by stealth and we need to say no from the outset.

Councillor Cherrett – received 19th January 2015

Thank you for your letter dated 19th January 2015 regarding the additional Noise Impact assessment submitted in support of this application.

I still object to the variation of opening hours of this PFS. The fact remains that for those people living immediately opposite the entrance to the site on Barlborough Avenue there will be both noise and light intrusion at unacceptable hours of 6am and 11pm.

Front facing bedrooms will have headlights shining in their windows during the darker nights /mornings. There will be traffic noise generated by cars and delivery vehicles. In particular, delivery trucks will be applying brakes as they turn into the entrance and again as they exit.

As Mr Asadi has stated in an e-mail to a resident, SBC's own noise monitoring assessment, carried out from inside the resident's property, supports concerns about potential noise if the PFS is open at 6am and states that the noise disturbance will be noticeable inside that property and likely to cause sleep disturbance.

The revised Noise Impact Assessment, dated 18th December 2014 states, at page 3, that an estimated 29 vehicle movements are anticipated between 6 and 7am, weekdays. This is 29 vehicles that do not currently access the site. Similarly, an extra 19 vehicle movements are anticipated on Saturdays.

Page 2 of the report refers to Delivery Noise. It is stated that the measurement provision was located in the service yard and seems to make the excuse that noise from fuel deliveries will take place further away from residential properties and so it is claimed that the noise levels should be disregarded.

As previously stated, these vehicles will still be entering and leaving the site within feet of residents homes and I urge that this application be refused.

I strongly object to the proposed extended hours of operation of the Service Station. The disruption because of the additional noise pollution and increase of traffic to the site, will impact on the residents of Barlborough and the residents who use the junction of at Barlborough and Bishopton Road West.

It was agreed that the Petrol Station would be open the same hours as the store and the delivery of fuel would be between 7am and the close of the stores working day.

The original statement was to "service the customers of Sainsbury's" and not passing motorist. The store opens at 8 am and closes at 8 pm, there are no customers prior to 7.59 am and there are no customers after 8.00 pm. As the pumps require no attendants to be present and are operated remotely, the store could justify opening 24 hours as a benefit to Sainsbury customers. There for I see no reason why the original proposed opening time should be change. The embargoed hours of delivery for fuel 7am and after and the end of trading at 8 pm.

Councillor Elliot Kennedy – received 19th January 2015

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Councillor Norma Stephenson

I have concerns re Sainsbury's as reducing the opening hours was a condition of the planning committee agreeing the petrol station in the first place

PUBLICITY

8. 49 objections have been received to date from the following addresses ;

1. Mr Terry Shannon, 115 Bishopton Road, Stockton
2. Mrs Jayne Tidd, 6 Woodmere Road, Stockton
3. Mr Melvyn Whalley, 38 Newstead Avenue, Stockton
4. Mr John Humphrey, 57 Newstead Avenue, Stockton
5. Mr Ian McMillan, 8 Woodmere Road, Stockton
6. Denise and Geoff Tufnell, 3 Chatsworth Court, Stockton
7. Mr Daniel Johnson, 6 Richmond Place, Thornaby
8. Mr Angus Race, 26 Newstead Avenue, Stockton
9. Ms Andrea Dalton, 27 Barlborough Avenue, Stockton
10. Mrs S M Stokes, 9 Alford Lane, Stockton
11. Mr Reginald Pullen, 1 Whitehouse Drive, Stockton
12. Mrs S McKnight, 19 Spenborough Road, Stockton
13. Mr McKnight, 19 Spenborough Road, Stockton
14. Mr Michael Cole, 17 Newstead Avenue, Stockton
15. Suzanne Fletcher, 3 Hoylake Way, Eaglescliffe
16. Mr Anthony Ayre, 5 Newstead Avenue, Stockton
17. Mrs Ruth Ayre, 5 Newstead Avenue, Stockton
18. Susan M Coulthard, 35 Barlborough Avenue, Stockton
19. Mr and Mrs Hogg, 3 Barlborough Avenue, Stockton
20. John Mansfield, 43 Bishopton Avenue, Stockton
21. Mrs Jacqueline Waites, 37 Bishopton Avenue, Stockton
22. Geoff Boston, 104 Oxbridge Avenue, Stockton
23. Mrs Sharon Fahy, 3 Spenborough Road, Stockton
24. Mr C Hutchinson, 1 Mossborough Close, Stockton
25. Mr and Mrs Lambert, 11 Alford Lane, Stockton
26. Mr and Mrs Gage, 21 Spenborough Road, Stockton
27. Mr and Mrs GM Cook, 15 Alford Lane, Stockton
28. David O'Brien, Senators, Bishopton Avenue, Stockton
29. Eric and Kathryn Turner, 16 Chatsworth Court, Stockton
30. Mrs Pamela Tough, 52 Newstead Avenue, Stockton
31. Andrea Cox, Flat, Senators, Bishopton Avenue, Stockton
32. Mrs D Brown, 33 Alford Lane, Stockton
33. Mrs Gilbert, 1 Woodborough Lane, Stockton
34. Mr I Basford, 22 Bishopton Road, Stockton
35. Mr G Taylor, 19 Barlborough Avenue, Stockton
36. Sharon and David Robinson, 15 Barlborough Avenue, Stockton
37. Mrs Sheila Herrington, 11 Barlborough Avenue, Stockton
38. John Richard Metcalfe, 7 Barlborough Avenue, Stockton
39. Maureen West, 5 Barlborough Avenue, Stockton
40. Mr and Mrs Steele, 8 Tollerton Close, Stockton
41. Ms Angela Parkinson, 47 Woodborough Lane, Stockton
42. Karen Heritage, 51 Bishopton Avenue, Stockton
43. Mrs P Groner, 9 Tollerton Close, Stockton
44. Mr Andrew Ingledrew, 17 Spenborough Road, Stockton
45. Mr Robert Trewhitt, 50 Barlborough Avenue, Stockton
46. Mr Drew Durning, 98 Oxbridge Lane, Stockton
47. Mr S Collier , 22 Newstead Avenue, Stockton
48. D Bell, 17 Barlborough Avenue, Stockton
49. Louise Baldock, 8 Cribyn Close, Ingleby Barwick

The objections received are summarised as follows:-

- Petrol station not built so cannot assess the impact in terms of the operating hours
- Noise impact to surrounding residential properties of additional cars and tankers at unacceptable hours of 6am and 11pm
- Noise mitigation measures not acceptable
- Tanker noise and delivery vehicles sitting in delivery bay with engines running, reversing sirens and road shudder before delivery hours
- Head lamp disturbance to properties at Barlborough Avenue
- Traffic impact/congestion created by the petrol filling station approval and development at Stockton Football Club will be increased by this variation in hours, request for traffic lights at junction of Barlborough Avenue and Bishopton Road West
- Pedestrian safety at site with school children in the vicinity
- Previous hours negotiated by residents and this breaches the faith between residents and the store
- Petrol filling Station passed without adequate consultation from Council or Sainsburys
- Debatable if require a petrol station as ones on Oxbridge Lane and Durham Lane
- Potential anti-social behaviour, especially if unmanned.
- Revised Noise Impact Assessment report took levels from service yard stating would be less that from the petrol station further away from the residents properties which is not the case as residential properties both sides of development
- Risk to community for storage and delivery of highly flammable materials, spillages and fires
- Original permission for the Petrol filling station was with 'conditions which will remain in perpetuity' so this variation should be rejected
- Noise impact to bungalows opposite site which when built had a small superstore opposite which has been enlarged
- Were Sainsburys advised to apply for extension to opening hours at a later date so the application would get through quietly ?
- Negative impact on character and appearance of street scene
- Devaluation of properties
- Previous petrol filling station applications refused on the site
- Air pollution from the additional traffic and loading /deliveries
- Potential 24 hour opening as automated petrol pumps
- Increased parking on estate roads and insufficient parking on site and concerns traffic demands would lead to additional vehicle access off Spenborough Road
- Car Park Flooding
- Site security
- Limitation on emergency services access
- Fuel duty reductions could create queues along the access road and impede residents
- Property Deeds have restrictive covenant not to cause a disturbance to residents is this not on Sainsbury's deeds
- Deliveries currently heard two streets away
- Will the council tax be reduced if the scheme is approved ?
- Extended hours means at times there will be both fuel and produce tankers offloading creating double the noise and pollution.
- Sound proofing should be installed round the service bay area
- Traffic survey for original approval for the Petrol Station not completed at busy times
- Rules and regulations for tanker deliveries not in line with hours Sainsburys propose and a tanker cannot drive down Bishopton Road West so may have to drive down Bishopton Avenue which is used by emergency vehicles
- What are the rules and regulations for tankers delivering to residential estates and where else in the country are similar Petrol filling station developments?

PLANNING POLICY

08. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
9. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
10. The following planning policies are considered to be relevant to the consideration of this application:-
11. National Planning Policy Framework
Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or -specific policies in this Framework indicate development should be restricted.

Paragraph 123

Planning policies and decisions should aim to :-

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance with their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

Residential Amenity

12. In 2014 the Planning Committee granted planning permission for a petrol filling station (14/0985/FUL). This application seeks to vary the hours of operation and delivery hours by extending to 07:00 – 23:00 Monday to Saturday and 08:00 to 20:00 Sunday for the use of the Petrol Filling Station and the delivery hours extending on Monday to Sunday from 07:00 to 23:00.
13. The application site is accessed off Bishopton Road West via Barlborough Avenue being the only access road into the estate. Residential properties are located directly opposite the site to the west along Barlborough Avenue with further residential properties located along the northern boundary at Tollerton Avenue and Mossborough Close. Bishopton Avenue is located along the eastern boundary of the site with residential properties located along this highway.
14. Since the original submission the applicant has removed the proposed delivery /operating hours starting from 06:00 due to the objection comments made by the Council's Environmental Health Unit regarding the detrimental impact on the amenity of the neighbours at this time.
15. The Environmental Health Unit objections were based on the submitted Noise Assessment Report and their own noise survey information conducted at 3 Barlborough Avenue, which demonstrated that between 06:00 and 07:00 the increase in noise levels was considered unacceptable, particularly during a time period that is considered to be night-time.
16. The Environmental Health Unit had originally commented that they would recommend the hours of delivery and hours of operation should be within 1 hour of the store hours. However, with the removal of the 06:00 start and taking into consideration the existing vehicle movements and associated noise levels (background noise levels) generated on an evening by the adjoining public house which utilises the same vehicles access as the supermarket ,they now consider that the proposed additional hour in the evening will not have a discernable noise impact above the existing background noise level and therefore now have no objections to the proposed hours
17. Concerns have been raised by the neighbours regarding the noise impact of delivery trucks sitting in the delivery bay before the designated delivery times and that this is already occurring with the store deliveries. These comments relate to the current store operation and do not form part of this application.
18. Comments have been received that the delivery bays should be soundproofed. The existing delivery bays relate to the current store operation and do not form part of this application. The soundproofing of the delivery areas to the petrol filling station would not be practical and due to the separation distance to the residential properties the Environmental Health Officers do not consider this to be necessary.

19. Neighbour objections have been raised regarding additional light pollution particularly to the properties on Barlborough Avenue located opposite the exit of the store. The access arrangements to the site will not be altered as part of this variation of hours and the Environmental Health Unit have not received any previous neighbour complaints in relation to light intrusion to their properties from the site.
20. Objection comments have been received from the neighbours with regard to the potential air/fume pollution impact of the proposal. The Environmental Health Unit has confirmed that odours and fumes are regulated by the Environmental Permit process which regulates air emissions and the applicant would need to obtain approval for a Petroleum Licence from the Council's Environmental Health unit. As such these matters are controlled by separate legislation to planning.

Highway Safety

21. A number of objections have been raised by residents regarding the potential traffic congestion which will be generated by the increase in the delivery and operating hours of the petrol filling station. The original submission for the petrol filling station provided a transport statement and traffic survey. The Head of Technical Services assessed in terms of the impact on the access to the site and based on this information no objections were received from the Head of Technical Services.
22. The variation to the opening hours and delivery hours would extend the morning and evening time frame. Based on the traffic survey information submitted with the original petrol filling station application the peak traffic periods identified were between 15:45 – 16:45 (weekdays) and 11.30- 12.60 (Saturdays) and it was demonstrated that the traffic resulting from the petrol station during these periods could be accommodated on the existing highway network.
23. The Head of Technical Services has commented that he has no objections to the proposal as the variation in hours is outside the peak traffic hours identified in the traffic survey and the proposal is not considered to impact on the free flow of traffic.
24. Objection comments have been received from residents in relation to the impact of the proposal in terms of car parking issues on neighbouring streets. The variation in the hours will not alter the approved car parking plan for the site which was considered to be acceptable under application 14/0985/FUL.
25. Further concerns have been raised regarding the additional traffic congestion at the junction of Barlborough Avenue and Bishopton Road West which will be generated by the increase in hours and the recent approval for the Stockton Football Club site. The Head of Technical Services has been made aware of this objection and raised no highway safety concerns.
26. Concerns have been raised by the residents in terms of pedestrian safety with the proximity of the site to several schools. These concerns are noted, however relate primarily to the original approval of the petrol filling station rather than the alteration in the delivery and operating hours of the filling station.
27. Comments have been received from the neighbours that to alleviate traffic/highway safety concerns a set of traffic lights should be installed at the junction of Barlborough Avenue and Bishopton Road West. The Head of Technical Services considered the Transport Statement traffic survey information submitted with the petrol filling station application and considered there was no requirement for any traffic lights at this junction.

28. An objection comment from a neighbour has raised concerns that the increase in traffic generated through the proposal will lead to a requirement to provide a new access from Spenborough Road to Bishopton Avenue. The Head of Technical Services assessed the traffic impact as part of the approval for the petrol filling station and had no highway/traffic objections to the existing vehicular access.

Community Safety Implications

29. Concerns have been raised from the Local Ward Councillors and neighbours with regard to potential anti-social behaviour generated by the increase in hours with the site being a lit area where youths could congregate. The potential for the increase in hours to increase anti-social behaviour are based on assumptions and should therefore not be taken into account in the determination of this proposal.
30. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application. Furthermore, Stockton Police have raised no objections.
31. The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report.

Residual matters

32. Objection comments from the Councillors and neighbours state that as the staffed kiosk element of the planning approval for the petrol filling station has been amended under the non-material amendment application (14/0985/NMA) to an automated system it could lead to a future application for 24 hour opening. The current application can only be considered in terms of the current proposed hours and any future variation to the hours would require a further application to be submitted and would be considered on its own individual merits.
33. Objection comments have been received from the neighbours regarding the lack of consultation undertaken for the petrol filling station by Sainsburys and the Council. The application was publicised in line with the Planning Services guidelines
34. Neighbour concerns have been raised as to the need for a petrol station in this location due to existing petrol stations on Oxbridge Lane and Durham Lane. The need for a petrol filling station is not a material planning consideration which can be considered as part of this application.
35. Other objections raised matters which were fully considered by Planning Committee and are therefore not material planning considerations in relation to the principle of the development which has the benefit of planning permission.
36. Objection comments have been received that the application to extend the hours of the Aldi superstore, Norton Road was refused on the grounds of the detrimental impact on residential amenity (14/2164/VARY). The Aldi application was for the opening hours of the store itself rather than deliveries to the store and is materially different in terms of its context and surroundings and each application is considered on its own individual merits.

Conclusion

37. The impacts of the variation in the hours of operation and delivery hours have been considered against national and local planning guidance. Material considerations have been considered in detail and the variation in hours is considered to be acceptable.
38. It is recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward Bishopsgarth and Elm Tree
Ward Councillor Councillor J M Cherrett

Ward Bishopsgarth and Elm Tree
Ward Councillor Councillor Elliot Kennedy

IMPLICATIONS

Financial Implications:

As Report

Environmental 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.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments (2011)