

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**12 APRIL 2017**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**17/0464/VARY**

**Fairfield Garage, 318 Bishopton Road West, Stockton-on-Tees**

**Section 73 application to vary condition no2 (Approved Plans) of planning approval**

**16/1029/FUL- Proposed extension to rear, raising of roof height, and installation of retaining wall and 1.8m high timber fence to northern and western boundary**

**Expiry Date 24 April 2017**

### **SUMMARY**

A previous application was submitted and approved for an extension to the rear, raising of roof height and installation of retaining wall and 1.8m high timber fence at Fairfield Garage, 318 Bishopton Road West.

This application seeks permission to amend the previously approved scheme. The amendments are to change the height at the front of the building from 6.0m as approved to 6.2m, install a pedestrian access door in both side elevations and make changes to the existing glazed front to include areas of brickwork. The proposed height of the building at the rear remains at the approved height of 6.0m.

Objections have been received from 13 properties concerns have been raised regarding the height of the building and its visual impact and the impact on neighbours. There are also concerns regarding noise, construction hours, exceeding the scope of the original consent and lack of neighbour consultation.

The objectors raise concerns over the original development as a whole however works have commenced based on the previously approved scheme.

Both Ward Councillors have objected to the revised proposal.

The Highways Transport and Environment Manager raises no objection to the amended scheme in highway or landscape and visual terms. The Environmental Health Unit has no objections subject to the proposed pedestrian access doors being self-closing.

Given the limited extent of the changes proposed it is considered there will be no significant visual impact or impact on residential amenity and the application is recommended for approval subject to the recommended conditions.

## **RECOMMENDATION**

That planning application 17/0464/VARY be approved subject to the following conditions and informatives below;

- 01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
PLAN/5/- REV C	27 February 2017
PLAN/4/- REV C	20 March 2017

Reason: To define the consent.

02. Self-Closing Doors

The proposed new pedestrian access doors within the side elevations of the building shall be fitted with self-closing mechanisms and maintained during the life of the building.

Reason: In order to protect the amenities of surrounding residents

03. The development hereby approved relates specifically to those areas detailed within the submission documentation and in no way discharges any of the conditional requirements associated with the development approved under application 16/1029/FUL.

Reason: In order to define the consent and retain the requirement in relation to previously imposed conditions.

## **INFORMATIVE**

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application

## **BACKGROUND**

1. An application for an extension to rear, raising of roof height, and installation of retaining wall and 1.8m high timber fence to northern and western boundary was approved by Planning Committee in July 2016 (16/1029/FUL).

An application to vary condition no1 (Opening times) of planning approval 58/372- The erection of showroom, office, garage and forecourt extension was approved in August 2016. This application sought to extend the opening hours on a Saturday until 4pm (16/1611/VARY).

## **SITE AND SURROUNDINGS**

2. The application site is an existing commercial car garage located on Bishopton Road West, Stockton on Tees. The building is set back from the highway with some parking to the front. To the eastern side of the site is a petrol station with a forecourt, shop and car wash area. To the western side is access to the rear of the garage with residential properties beyond. To the rear is a parking area that serves the garage with a residential area beyond.

## **PROPOSAL**

3. This application seeks consent to vary condition No.2 of application 16/1029/FUL which was approved by Planning Committee in July 2016. The applicant wishes to amend the previously approved plans.

Consent was given to raise the roof of the building; the original plans indicated it would be raised to 6.0m at the front, this application seeks consent to raise this to 6.2m. The height to the rear is to remain at the approved height of 6.0m.

Consent is also sought for the installation of two pedestrian access doors (fire doors), one in each side elevation, these are required by Building Regulations.

There are also changes proposed to the front elevation, the existing front is glazed and consent is sought to replace some glazing with brickwork.

The above three changes are the only amendments proposed to the approved scheme.

## **CONSULTATIONS**

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

### **Councillor Woodhead**

I wish to register my objection to the proposed variation to the original plan. I would like to see it revert to the original plan I feel the fractional increase is totally unnecessary and will not enhance the business as we have been lead to believe in other words we have been misled. Would it be possible to have a site visit by the planning committee?

### **Councillor Perry**

With reference to the Planning Application to Fairfield Garage No 17/0464/VARY, I would like to place my objection to the proposals put forward to the increase in height of the garage roof. One of the main planning considerations for the original application was the impact on the street scene and character of the area, the impact on the amenity of the neighbouring occupiers and the impact on highway safety. The increase in height on this building imposes untold questions on this planning consideration and is without doubt an imposition on the residents and the neighbourhood, and therefore would like to see the development maintained to its original plan. The proposed replacement timber 1.8m fence to be installed along the boundary perimeter will give little obscurity to the neighbouring residences since the ground of the main building is a lot higher than the base of the fence line, the whole of the building will be in outline to the residents. To see the development so far and before coming to the planning committee for consideration I propose that the planning committee should have a site visit to the garage for a clear understanding of the impact on this area.

### **SBC Highways Transport And Environment**

#### **General Summary**

The Highways, Transport & Environment Manager raises no objections.

#### **Highways Comments**

The proposed amendments have no highway implications.

#### **Landscape & Visual Comments**

There are no landscape and visual objections to the proposed variations.

### Environmental Health Unit

I can confirm that Environmental Health would have serious concerns regarding any proposal at this site that has the potential to increase noise levels. However, the proposed amendments associated with this application of raising the roof height and the proposed new entrances/ exists will not increase noise levels from the premises. As such I have no objection in principle to the application, however I would recommend that the following condition is imposed on the application should it be approved.

- **Access and Egress doors**

The proposed new doors to the premises that have been required to fulfil Building Regulations, must be fitted with self-closers to ensure that any noise from the site is contained to the best of the applicant's ability.

### **PUBLICITY**

5. Neighbours were notified and comments received are set out below :-

#### Mr John Shaddock

##### 231 Bishopton Road West Stockton-on-Tees

I was looking on the Planning Portals website to find out if the application was within the planning rules and found this. The limits and conditions for industrial buildings and warehouses. :- Specific to new industrial buildings and warehouses:

-No new building to be higher than 5m, if within 10m of the curtilage boundary. In other cases no new building to be higher than the highest building within the curtilage boundary or 15m - whichever is lower

-No new building to exceed gross floor space of 100 square metres in designated land and sites of special scientific interest. In other cases 200 square metres.

Specific to extending or altering industrial buildings and warehouses:

-No extension or alteration to make building higher than 5m, if within 10m of the curtilage boundary. In all other cases any extension or alteration must not be higher than the building being extended or altered.

As the Fairfield Garage is a place of work and is therefore classed as an industrial building, and as the height is more than 5 metres and is within 10 metres of the boundary is this not the planning rules.

#### Mrs Kimberley Cutler

##### 320A Bishopton Road West Stockton-on-Tees

The initial concerns from my husband and I were around noise, especially on a weekend. This later resulted in a change to working hours which was fair.

From that point, there seems little reference back to the original planning permission.

The structure is clearly now too high which has triggered a further planning application been submitted, it now has 'significant overshadowing' and 'impact' on our property which is lower than garage, and I would encourage someone from the planning committee to visit our property to observe this.

Included in the report presented in August 2016, there was to be no construction works or delivery/removal of materials on/off the site shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays.

Thursday 23rd February: Delivery of bricks at 05.10am

Sunday 5th March: Work was been completed on site

Tuesday 7th March: Delivery of Cement at 6.30am, with it been poured at 7.25am

Friday 10th March: Delivery of heavy plant machinery at 7.00am, which also resulted in the entrance of both myself and neighbours properties been blocked for over 20 minutes.

I rang R.Hindmarch (Stockton Planning) regarding the above, and was told the business can't help when deliveries are made, however on the three occasions there has been a delivery, I have witnessed someone signing for it.

Mrs April McCarthy

320B Bishopton Road West Stockton-on-Tees

The planning permission for this is for raising of roof height not a full wrap around new build so how can this go ahead when it is not what was passed this is not an extension!

I am objecting to the variance of planning permission as the height of the construction is much higher than the original plans. Why have they gone ahead with this overbearing construction when it is not what was originally approved is it just taken for granted that now it's built it's ok? The development does not belong in the middle of a residential area it is out of scale and out of character with existing properties in the neighbourhood. It will devalue neighbouring properties as it is better suited to an industrial estate not a housing estate. The visual impact alone will put people off buying any houses nearby. I thought any construction carried out had to have building material used approved by the council to ensure it blends with existing properties the proposed cladding for this construction does not blend in and is better suited to industrial estates.

Mrs Christine Cairns

12 Maria Drive Stockton-on-Tees

I would suggest in order to appreciate the impact on the area of this construction, that the Planning Committee need to make a site visit to the rear at Maria Drive and also to approach from Rimswell Road, in order to see the level of visibility around the surrounding locality, not just adjacent properties.

Paper information cannot reflect the impact of the fact that this is an elevated position, how overpowering and obtrusive this construction is, making it clearly visible across a wide area of, the surrounding area, and approaches to the area.

Given the elevation of the position to the rear, the ineffectiveness of a mere 1.8 metre fence, this structure is clearly has a visual impact which is overpowering, obstructive and detrimental to the aspect of the surrounding area.

While clearly, this is established over a long period of time as a commercial development, this has to undertaken with respect and consideration to the surrounding residential area. The rear roof extension is partially constructed, and the extended roof height can clearly be seen as a substantial increase to the height of the existing building. Previous documentation indicated that the increase in roof height would be about 1.5 metres; this would seem to be an understatement when the height of the actual construction is viewed.

As a resident directly facing the construction, I wish to object on the basis that it is large and intrusive. Also, given the size and height of the construction, I fail to see how a fence of a mere 1.8 metres, would provide any protection in respect of the visual impact of the construction.

Mr William Joynes

23 Maria Drive Stockton-on-Tees

Rear roof extension has been substantially increased which has caused issues affecting our property, has stated above. We have had little contact from yourselves concerning this matter. The proprietor has gone against building plans set out on application. This is a residential area, which now looks like an industrial sight.

Miss Marilyn Medd

21 Maria Drive Stockton-on-Tees

The construction of this garage extension and raising of the roof is well under way, i believe that planning was applied for again due to the building being too high, the fact that construction is still on-going makes me feel that they are confident that planning will be granted. The roof height

which has been raised is too high and i believe the building would be more suited in an industrial area, it is not in keeping with the local area. I do not think it has been realised that the garage is located on an elevated site and that on the map used is not up to date new properties were not on this map, my property is closer than is being portrayed and in the original planning meeting it was said that it is 8 metres away from the nearby properties this is not true and i think somebody from the planning department should come and visit the site. It also states that it is an extension and a raising of the roof, however it looks to be a complete re build and I cannot see how the original structure will be kept at all. An 1.8 metre fence will do little to obstruct the view it is large and obtrusive.

I am very concerned about the noise both from the construction and when complete the increase in capacity in work force; it states that the roller doors to the rear are to be closed when working however I am not confident that this is possible in a working garage unless adequate ventilation is provided, in the summer when temperatures increase. Also conditions have already been breached on two occasions I have noted they started work at 7.30am and also were working on a Sunday.

I strongly object on grounds of noise and I feel the building is not in keeping with the local area.

Mrs M Birmingham

5 Maria Drive Stockton-on-Tees

This construction is partially built; the extension is far closer than appears on the plans. The roof height can be clearly seen and appears to tower above the surrounding bungalows and other homes. The increase in height would appear to be very much higher than was actually lead to believe and is clearly viewed from all directions of the estate.

As a resident living beside this construction, I wish to OBJECT on the basis that it is very large and extremely intrusive. A fence to rear would not be of any use to me as I live to the side of this build and have a clear view of this from my home and garden.

Mr And Mrs Morton-Davies

10 Maria Drive Stockton-on-Tees

You have already passed planning permission for this building and both my husband and I were at the meeting to object. The building structure is already up and what a monstrosity it is. Clearly hugely bigger than the existing structure. It is right across from pensioners bungalows of which ours is opposite. We can clearly see this structure from both front bedroom windows and the garden. I'm sure Mr & Mrs Alexander wouldn't like to see this opposite their house in Wynyard.

The height is totally intrusive and should be taken down or lowered. It is a total monstrosity. I object AGAIN to having the structure raised. Please see photos enclosed of our current view. The rear extension height can be clearly seen and there has been a substantial increase. I don't remember previous documentation indicating such a vast difference.

The old building was unobtrusive, painted so didn't stand out too much and was totally made of brick. I dread to think what the noise level will be like as the current structure looks like a huge warehouse usually found on an industrial estate. The building totally dwarfs the surrounding homes, most of which are pensioners retirement homes.

We spoke to Mr Alexander at the meeting and he promised there would be no noise and that we wouldn't know they were there. Well the building itself lets us know otherwise.

As a resident facing this building I am OBJECTING to the height increase. And realistically wonder how a 1.8m high fence will give any protection at all to the view currently on offer.

### Further comments

We are answering yet another letter, with regards to the height of the roof, we don't agree with the roof being made higher again, if anything it needs to be taken down quite a bit as it towers over our homes and that is all we see out of our windows.

Installation of access doors at each side of the building is supposedly for pedestrians. That means that the doors can be tied back in the open position for air as the big door has to stay closed. Really the small doors should be fire doors, especially as one goes into the tyre area, also lets noise out. Really pedestrians should not be able just to walk in.

The Alexanders have been given an inch and have taken a yard, now they want more, how many more times are you the council going to give in to them at our expense.

Personally we, my husband and I would like the whole thing taken down, by half. We were not told about a new build over the old one, so why haven't they extended the old building, had the roof done properly and been satisfied.

### Mrs Linda Brown

223 Bishopton Road West Stockton-on-Tees

I wish to register my OBJECTION

This building looks far too big, out of place and looks like a build you would see on an industrial estate. This build seems to have got out of hand and gone too far. I have commented before about this, it is not an industrial estate it is a residential area, which seems to have been forgotten. Would the owners of this build like to look out of their window to a commercial build especially this size, I don't think so.

How on earth can a build this size go ahead, there has been no consideration for the people who live in the area or on the estate.

This comment is on behalf of Mr David Brown 223 BISHOPTON ROAD WEST:

This build now looks like a factory what you would see on an industrial estate not a residential area.

### Mr John Shaddock

231 Bishopton Road West Stockton-on-Tees

I would like to strongly object to this proposed extension on the grounds that it would be more at home on an industrial estate.

The applicant obtained planning permission for a slightly raised roof and new frontage on the original building. She then went ahead and started to construct a building that is substantially higher than the original plans she was given permission for, with no thought for the detrimental impact this building would have on the local area and residents.

Having already started constructing the building (without permission) it is at a stage where, in my opinion, the applicant thinks it cannot be stopped. The planning department should make the applicant stick to the original plans, after all this is a mainly residential area not an industrial estate.

### Mrs A Shutt

4 Maria Drive Stockton-on-Tees

This building is far too high it looks like a factory unit in the middle of private estate

I OBJECT on the basis this is not acceptable I am looking at this eye sore from my lounge and bedroom windows

Mrs Susan O'Donnell  
32 Maria Drive Fairfield

I have been made aware that the extension to the garage, but when we look down our road all we can see is this industrial estate looking building which does not look good. I was told about this by a neighbour and after the building work had started we hadn't realised how big and ugly it is. Also we were told that the entrance is going to be on our road which is Maria Drive if that is the case the bend on which it would come out on is dangerous enough without having more traffic in the road I hope you look favourably on our complaint

Kay Chilton  
35 Maria Drive Fairfield

I am writing to OBJECT to the building work taking place on the tight bend at the bottom of Maria Drive facing onto Bishopton Road West known as Fairfield Garage.

Building work started on this HUGE extension, with large cranes and building work causing lots of noise all day. The large building is very high and obstructs the view at the bottom of the road. Due to the buildings height it shuts out lots of daylight, which impacts on the very tight bend behind the garage, which is already a hazard. The design of the building so far is a large imposing box; no thought has been given to the people having to look at it from the rear.

By the small plans I could find, it shows that there are lots of bays for cars, which will be noisy, and if engines are running for testing, there is nothing illustrated on the plans for extraction of fumes, or what is proposed for the safeguarding of the close community from engine emissions. Especially if the proposed large roller shutter at the back of the building is open all day.

Why is the proposed building so high? Only area shown in a very small diagram is for storage!! Surely the height of the building should be in keeping with the aesthetics of the surrounding properties and estate, not such an eyesore.

I have seen nothing regarding council meeting for neighbours and local community to attend, to discuss and raise our objections prior to the work commencing!!

Work seemed to cease, but now has started again and the buildings structure is increasing in height!!

Please look again at the proposed plans, and consider the neighbours and local community, who will have to live with such a large box building, with potential health hazards.

## **PLANNING POLICY**

6. 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. 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

### **National Planning Policy Framework**

7. 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.

### **Local Planning Policy**

8. The following planning policies are considered to be relevant to the consideration of this application.

#### **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**

9. The main planning considerations of this application are the impact of the amended scheme on the street scene and character of the area, the amenity of neighbouring occupiers and the highway.
10. In visual terms the proposed changes to the scheme are considered to be minimal, the height is increased by 200mm at the front with no increase from the previous approved scheme at the rear. It is considered the increase in height at the front will not significantly worsen the visual impact of the proposal as the increase is not significant. The proposed access/fire doors are considered to be in keeping with the appearance of the approved scheme and will not have a detrimental visual impact. The changes to the front elevation will introduce areas of brick work in place of glazing; given the extent and nature of the changes it considered there will be no significant visual impact.
11. Objections received state the development is out of keeping with the area, whilst these comments are noted they appear to refer to the scheme as a whole rather than the changes that are now proposed. As outlined above, it is considered the changes over and above what has already been approved will not have a significant visual impact.
12. The Highways Transport and Environment Manager has stated there are no highway objections to the amendments and the amended scheme is therefore considered acceptable in highway terms. A condition on the original approval related to the provision and retention of the proposed parking layout, the conditions from the original approval still apply.
13. With regard to the impact on residential amenity, there have been a number of objections to the scheme and the issues raised will be addressed below.

14. Concerns regarding the increase in height are noted however the increase is 200mm at the front, whilst it is greater than what was approved the impact is not considered to be significantly different to what has been approved.
15. The proposed pedestrian access/fire doors are required to satisfy Building Regulations. The Environmental Health Unit has provided comments on the application and requests these doors be self-closing in order to ensure any noise is contained within the building. An appropriate condition has been added. Subject to this condition the Environmental Health Unit has no objections and it is therefore considered the proposal is acceptable in terms of noise.
16. The proposed changes to the front elevation are considered to be minimal and will not have a detrimental impact on the amenity of neighbouring occupiers.

### Residual Matters

There are a number of comments from objectors that need to be addressed.

17. The surrounding residents have strongly objected to this application, concerns are raised regarding the overbearing nature of the building and the impact in terms of loss of light and overshadowing on the residential properties. Many comments state the building is not appropriate for a residential area. However as stated above the objections predominantly relate to the original approved scheme and the changes now proposed are not considered to have any greater impact than the originally approved scheme.
18. Comments regarding construction and delivery activities taking part outside of the permitted hours have been investigated by planning enforcement and it is understood this is no longer an issue.
19. Comments that state the work is outside of planning rules, these comments quote what is allowed under permitted development rules and are therefore not applicable as planning consent has been sought.
20. A number of comments state the work being carried out is a new building and the old one will be demolished. The previous application gave consent for a rear extension and raising the roof of the existing building. The existing roof is to be removed however the side walls will remain and be built up until they meet the new steel structure that has been put in for the new roof. The rear extension is attached to the existing structure. The steelwork is to facilitate the new roof. The original building and extension will have metal cladding to the exterior, as approved in the original application.
21. Concerns have also been raised regarding the distance to neighbouring properties stating the distance is not as stated in the original application. The distance to the rear and side boundaries has been checked at two points and the distances are as shown on the site plan approved under the original application.
22. Concern is also raised regarding noise and the likelihood of a condition relating to the closure of the rear roller shutter door being adhered to due to ventilation reasons. The applicant is fully aware of this requirement and the onus is on the applicant to install a suitable ventilation system to ensure the roller shutter door to the rear can remain closed whilst vehicles are being worked on and comply with the planning condition.
23. Comments were received stating the building is much larger than approved. As stated earlier in this report, this proposal seeks an increase of 200mm at the front. The original approval was for an increase of 1.5m above the original structures maximum height (ridge height). The original plans clearly showed the level of change proposed.

24. A number of neighbours have stated the applications have not been publicised sufficiently. All the planning applications have been consulted upon using the assessment of the case officer on the site visits to determine the neighbouring properties who should be consulted directly by letter.

## **CONCLUSION**

25. Overall, it is considered that due to the minor level of changes proposed the impact of the amended scheme would not be significant and it is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Economic Growth and Development Services**  
**Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

## **WARD AND WARD COUNCILLORS**

**Ward**                      **Fairfield**

**Ward Councillor(s)** **Councillor W Woodhead**

**Ward Councillor(s)** **Councillor M Perry**

## **IMPLICATIONS**

**Financial Implications:** N/A

**Environmental Implications:** As per 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