

**DETERMINATION OF APPLICATION UNDER DELEGATED POWERS
REPORT OF CORPORATE DIRECTOR OF
DEVELOPMENT AND NEIGHBOURHOOD SERVICES**

1. Case Officer Signature..... *[Signature]* Date..... *18th August 2008*
2. Principal Planning Officer..... Date.....
3. Development Services Manager..... *[Signature]* Date..... *18/8/08.*
- *Required for refusals

Application No; 08/2065/FUL
Date 13 August 2008
Case Officer: Mr Peter Whaley
Proposal; Temporary use of land to erect plant and machinery to (a) lift the hull of ex HMS Kellington from the Tees and (b) reduce the hull and remove component materials to suitable disposal site.
Location: Tees Barrage, Navigation Way, Thornaby
Site Visit Date : 14 August 2008
Expiry Date: 18th August 2008

RECOMMENDATION

Planning application 08/2065/FUL be Approved with Conditions subject to

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>23 June 2008</i>
<i>SBC0002</i>	<i>23 June 2008</i>

Reason: To define the consent.

- 02.** *Prior to the commencement of development, and notwithstanding the submitted details, details of the site layout shall be submitted to, for consideration and agreement by the Local Planning Authority. The layout shall include, amongst others, details of the exact location of the crane, access arrangements, welfare facilities, the exact position and colour of Heras fencing, and a timetable for their installation on site. The site layout shall be implemented and installed in accordance with the approved details.*

Reason: To reserve the right of the Local Planning Authority in this respect and in the interests of visual amenity

- 03.** *Prior to commencement of development, a scheme detailing tree protection measures shall be submitted to, for consideration and the approval by the Local Planning Authority. Those measures shall be implemented in full prior to or concurrent with the first arrival of buildings, plant, machinery or other equipment on site and retained thereafter in accordance with the agreed scheme for the life of the operations hereby permitted.*

Reason: To protect trees, in the interest of visual amenity and nature conservation.

04. Following completion of the operations hereby permitted, the site shall be reinstated in accordance with a scheme to be submitted for consideration and agreement by the Local Planning Authority. The scheme shall include, amongst others, all finishing materials, planting and seeding strategy including a maintenance strategy, a timetable for implementation of any approved scheme, an existing condition statement (to be verified by the Local Planning Authority) relating to the site, detailing all hard and soft landscaping, street furniture, fences, walls or means of enclosure which exist, of the operations.

Reason : To ensure a satisfactory reinstatement of the site, in the interests of the visual amenity

05. Prior to the commencement of development, a description of outline methodologies, environmental risk and mitigation for the operations, which shall amongst others include the details listed set out below and/or in the stated format, shall be submitted to for consideration and agreement of the Local Planning Authority: -

(A) Reduction of the Hull

1) Methodology

2) Working practices designed to minimise or prevent contaminants and hazardous material on the vessel escaping to the environment, in particular paint flakes and any other identified materials e.g. PAHs, PCBs, hydraulic oils and heavy metals, and methods to prevent rain washing off metal/paint flakes.

3) Steps to prevent vandalism during the reduction of the hull to prevent further damage.

(B) Vessel foundering in transit and Vessel leaching contaminants

Which shall comprise a report detailing a risk assessment of towing practice including contingency plan for vessels foundering en route and / or release of contaminated substances. (This should refer to PD Teesport's oil spill contingency plan.)

(C) Craning

Which shall comprise a method statement detailing measures to be put in place to minimise the risk of hull break up during craning and to minimise emissions from the vessel in the event of hull break up during craning.

Reason: To prevent ground contamination and protect the water environment.

06. There shall be no release of polluting materials to the ground or the River Tees.

Reason: To prevent ground contamination and to protect the water environment.

07. No development shall proceed until a flood-warning plan has been agreed with the Local Planning Authority. The plan shall, amongst others, include details of how flood warnings will be obtained, how this information will be made known to and available to relevant staff, and the actions to be taken in the event of flood.

Reason: To reduce the risk from flooding

08. Concurrent with the erection of perimeter fencing as approved in accordance with condition 3 above, sign(s) shall be erected notifying users of footpaths and cycleways of

alternative routes. The sign(s) shall be retained for the life of the development hereby permitted.

Reason: To ensure that the development does not prejudice the enjoyment of the riverside area for recreation and in the interests of the safety of the users thereof.

The proposal has been considered against the policies below, and it is considered that the proposal would not give rise to unacceptable impacts on the amenity of users of nearby properties or land, would not have an adverse impact on landscape or visual amenity, result in the pollution of ground and the water environment, add to flood risk, or have an adverse impact on access and highway safety considerations, and there are no other material considerations which indicate a decision should be otherwise.

The nature of the waste recovery activity on land near the Tees Barrage subject to this application requires that the operator of the activity obtain an Environmental Permit from the Environment Agency before waste is deposited on that land.

Any works within 5 metres of the River Tees may require the written consent of the Environment Agency. The developer should contact the Agency on 01642 853007 for advice.

**The Environment Agency will require the following information:
A method statement that should include a description of outline methodologies, environmental risk and mitigation for the risk listed below:-**

Removal of Superstructure

Risk : that contaminants could enter the river during removal of superstructure.

Mitigation :

1)Hazardous materials present to be described fully by MOD green card.

2)Adoption of working practices designed to minimise or prevent contaminants and hazardous material on the vessel escaping to the environment, in particular paint flakes and any other identified materials e.g. PAHs PCBs hydraulic oils and heavy metals.

Methods to prevent rain washing off metal/paint flakes.

3) Steps to keep vandals out during the superstructure removal to prevent further damage.

Vessel foundering in transit. Vessel leaching contaminants

Mitigation: A risk assessment of towing practice including contingency plan for vessels foundering en route and / or release of contaminated substances. This should refer to PD Teesport's oil spill contingency plan.

Craning

Risk : Vessel breaking up during operation

Mitigation : Method statement should be supplied by the applicant d

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are :- *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).*

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 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.

Policy EN32b

The Council will seek to protect and enhance the quality of surface/ground water by:-

- i) Restricting development on unsuitable land unless it can be demonstrated that the development will not lead to the pollution of waters;
- ii) Preventing development which would damage surface and groundwater resources and their uses;
- iii) Resisting development which would damage historic watercourses or compromise surface water and groundwater quality; and
- iv) Support initiatives that would lead to improvements in surface or groundwater quality.

Policy REC20

The following footpath and cycle routes are proposed:

- (f.) A combined footpath/cycle route from Surtees Bridge (South Bank) through Teesdale to the Barrage and the Borough boundary.

CONSULTS

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

Councillors

No response received.

British Waterways

As we are partnering with Sea Cadets on this project, and have been consulted throughout the process we are happy with the application and look forward to the completed report.

Environmental Health Unit

No comments to make.

Urban Design Manager

Highways Comments

The first phase requires the removal of the superstructure at the ships current location. As the site is next to a public car park it must be ensured that the works do not affect the availability of parking or impact on users of the car park in anyway without the prior written approval being granted by SBC. Any impact on the highway network must be approved by the Highway Authority, this also includes the footpaths adjacent to the site that are adopted highway.

I therefore support the application subject to any issues gaining prior approval.

Landscape

I have reviewed the submitted documents and would support the principle of the application, subject to the comments below regarding site reinstatement.

Following the dismantling works, the site to be utilised should be fully reinstated to it's current position. The latter should include hard and soft landscaping, and a survey of the current materials and soft landscaping should be made and submitted for approval, indicating that matching or otherwise suitable and approved materials are utilised.

Built Environment Officer

No comments received.

The Environment Agency

No objection, but recommend a condition in relation to a flood risk plan, and informatives in respect of working within 5 metres of the river bank, and risk assessments and mitigation for land and non land based operations.

Land Based Operations

The nature of the waste recovery activity on land near the Tees Barrage subject to this application requires that the operator of the activity obtain an Environmental Permit from the Environment Agency before waste is deposited on that land. Such permits limit the operations and requires the operator to produce and implement controls to protect the environment form the operations.

In order to obtain such a permit, the operator will be required to demonstrate that they have the necessary level of technical competence to carry out the activity.

There must be no release of polluting materials from the recovery site to the ground or the River Tees. Robust evidence as to how this is to be prevented will be required for the Environmental Permitting process.

Non-Land Based Operations

The applicant should produce a method statement that should include a description of outline methodologies, environmental risk and mitigation for the risk listed below:-

Removal of Superstructure

Risk : that contaminants could enter the river during removal of superstructure.

Mitigation :

1)Hazardous materials present to be described fully by MOD green card.

2) Adoption of working practices designed to minimise or prevent contaminants and hazardous material on the vessel escaping to the environment, in particular paint flakes and any other identified materials e.g. PAHs PCBs hydraulic oils and heavy metals. Methods to prevent rain washing off metal/paint flakes.

3) Steps to keep vandals out during the superstructure removal to prevent further damage.

Vessel foundering in transit. Vessel leaching contaminants

Mitigation: A risk assessment of towing practice including contingency plan for vessels foundering en route and / or release of contaminated substances. This should refer to PD Teesport's oil spill contingency plan.

Craning

Risk : Vessel breaking up during operation

Mitigation : Method statement should be supplied by the applicant d

PUBLICITY

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

No representations received.

ADVERT EXPIRY DATE(if applicable)

SITE NOTICE EXPIRY DATE(if applicable)

BACKGROUND

Previous planning applications for the site include a cycle way and footpath route approved in August 1997 (97/1227/P) and the erection of a 30 metre mast to support static illuminated lights which was approved in November 1994 (94/2236/P).

Initial preparatory work involving the removal of the deck fittings and protrusions from the ship, to be undertaken in situ, adjacent to the Riverside Car Park and does not require planning permission.

SITE AND SURROUNDINGS

The application site is a 1622 square metres area of land at the Tees Barrage adjacent to Navigation Way and the existing slipway into the River Tees.

The River Tees and lock run along the northern boundary of the site with Navigation Way running along the southern boundary. The site contains street furniture and maturing trees.

To the north west of the proposed site is the roundabout linking Navigation Way and two car-parking areas for the Barrage.

PROPOSAL

The proposal is for the temporary use of land site to erect plant and machinery in order to lift the hull of the ex-HMS Kellington from the River Tees to land, and operations to reduce the size of the hull and to remove component materials to a suitable disposal site elsewhere.

The submitted plans detail one crane in the south western corner of the site, with the position of the Kellington indicated both at its entrance to the dock and resting place. Details of on-site parking and manoeuvring or the detail of any other facilities are not provided, nor, if required, accommodation for staff.

2 metre high Heras-style fencing would surround the boundary of the site. Access to the site will be along Navigation Way with contractors parking within the site or in adjacent public car parks. The applicant envisages that there is unlikely to be more than 5 contractors on site at any time.

The crane would be on site for the duration of the lift, and then removed. A commercial contractor would then carry out the dismantling operations, and this would take approximately 4 weeks to complete. All plant and machinery would be removed following completion of the works. The applicant proposes that the site would then be restored to its original condition.

MATERIAL CONSIDERATIONS

The main planning considerations are the likely impacts on the amenity of the occupants and/or users of adjacent land or properties, landscape and visual impact, contamination of the ground and the water environment, flood risk and access and highway safety.

Amenity of Users/Occupants of the Area

In relation to the amenity of the surrounding area, the proposed works will be for a relatively short period of time. A small dockside building is located to the west of the site, however there are no properties of substance close to the site. The Rowing Club building is located on the opposite bank side of the River Tees.

The site and its immediate environs have been laid out and routes are available for cycling and walking to provide access to the Barrage and the Borough boundary. The site is within a large area of paving, where alternative routes can be made available. The developer should therefore ensure that those routes are clearly marked. Subject to this way marking (which can be secured by condition), it is not considered that the development itself would unduly restrict access for those recreational users of the wider riverside area, nor prejudice in the long term the existing foot and cycle path.

Although precise details of the site operations are not yet finalised, it is unlikely that impacts arising in terms of amenity would be significant nor that those that do arise could not be mitigated. To that end, the informatives required by the Environment Agency in terms of land based operations, but set out as conditions, would provide a suitable vehicle to identify any issues and provide such measures.

Subject to the condition outlined above, it is not considered that the proposal would have an adverse impact on the amenity of local users/occupants of the area.

Landscape and Visual Impact

The crane, albeit for a very short period of time, and the ship for approximately 4 weeks, would be visible from local views.

However, the site is set back from the main river channel, and that the view of a ship being dismantled would not be unexpected in this riverside location, it is not considered that the proposal would have an unacceptable adverse impact on local visual amenity.

The Landscape Officer has commented that he is supportive of the application subject to a condition being placed on the reinstatement of the site, and to that end a planning condition is recommended.

It is noted that a number of maturing trees are within and adjacent to the site. Given that the site layout is not detailed, it is difficult to pinpoint the exact location of the trees and the footprint of any facilities on the site. Consequently, a condition is recommended to ensure that the trees are protected not only through detailed examination the site layout (as required by condition) but also through a discrete tree protection condition.

As there are few details of the site layout, a condition is recommended to secure those details.

Subject to the imposition of the conditions set out above, it is not considered that the proposal would have an adverse impact on the landscape and local visual amenity.

Control of Operations - Ground and Water Contamination

Little detail has been provided within the application of the operations themselves, and the likely impacts and mitigation measures. It is necessary therefore, before any operations proceed to assess the proposed methodology, and the adequacy of mitigation measures.

The applicant has acknowledged that those details would be required and in the interests of protecting ground and water quality, a condition is recommended which takes its basis from the informatives recommended by the Environment Agency.

Flood Risk

The site is adjacent to the River Tees, however, given the nature of the proposal, a flood risk assessment is not required. The Environment Agency raises no objection to the proposal but requires that a condition regarding a flood-warning plan be imposed. Such a condition is recommended.

Access and Highway Safety

Whilst the proposal is likely to reduce parking available locally, it is not considered, given the likely level of traffic and space required by the contractors dismantling the hull, that there would be any meaningful level of displacement of vehicles to the surrounding road network.

As the contractors' vehicles are to be parked either within the site or the adjacent public car park, it is unlikely given the volume of the traffic and the duration of the works that the proposal would lead to the displacement of a significant number of vehicles to other roads for access and parking.

In terms of river traffic, there is no indication from consultees that the manoeuvring of the ship nor its lift from the River Tees would have a detrimental impact on River and Port/Port related activities.

It is not considered that the proposal would have an adverse impact on access and highway safety considerations.

Other Matters

Urban Design - Engineers have requested that the applicant is made aware that in order to ensure that the proposed works have no impact on the availability of parking or impact on the car park (at the Riverside) prior approval for the works should be obtained from the Council. In addition, prior approval should be sought from the Highway Authority in relation to any potential impact on the highway network (to include any footpaths which are adjacent to the site which are adopted

highway). This matter relates to works outwith the scope of this application and will be forwarded to the applicant for information.

Works to the Superstructure - The Environment Agency has identified information required and steps to be taken by the applicant in respect of works to the superstructure. Those works are outwith the remit of the application and will be conveyed to the developer in an informative.

CONCLUSION

In light of the above comments the application is considered to be in line with policies GP1 EN32a, EN32b and would not compromise the intent of Policy REC 20 of the adopted Stockton on Tees Local Plan.

RECOMMENDATION

It is recommended that the application be **Approved with Conditions** for the reasons specified above.

WARD AND WARD COUNCILLOR(S)

WARD	Mandale And Victoria
Ward Councillor(s)	Councillor Mrs A Trainer
Ward Councillor(s)	Councillor S F Walmsley
Ward Councillor(s)	Councillor T Large