

DELEGATED

AGENDA NO
PLANNING COMMITTEE

12 August 2009

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

09/1235/COU

Land East Of Blakeston Lane, Norton, Stockton On Tees
Temporary change of use of land to hold car boot sales.

Expiry Date 24 August 2009

SUMMARY

Temporary planning permission is sought for use of land East of Blakeston Lane as a Car Boot Sale on Sundays.

To date a total of 19 letters of objection have been received, and the main objections relate to the level of traffic generated and highway safety. 28 letters of support have been received.

The proposed development is considered to be acceptable and would not have an adverse impact on the privacy or amenity of neighbouring properties and adequate parking is provided to the satisfaction of the Head of Technical Services.

RECOMMENDATION

Planning application 09/1235/COU 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>
SBC003	29 June 2009
SBC004	29 June 2009

Reason: To define the consent.

02. *The permission is hereby granted from the date hereof until 30th November 2009 and relates solely to the use of the site for a car boot fair on Sundays during the period of validity operating between the hours of 1000 to 1600.*

Reason: For the avoidance of doubt and in the interests of protecting the amenities of the area.

03. *No live entertainment or use of amplification equipment shall be permitted from within the site unless otherwise agreed in writing by the local planning authority*

Reason: To ensure that the nearby properties are not adversely affected by the development

- 04. Notwithstanding the submitted plans, within 14 days of the date of this permission full details of the segregated pedestrian walkway to be sited to along the southern boundary of the site shall be submitted to the local planning authority. The approved scheme shall be implemented in full unless the written prior agreement of the Local Planning Authority is obtained.**

Reason: In the interests of pedestrian safety.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be a suitable use for the site, will not have an adverse effect on neighbouring properties, or pedestrian and highway safety and there are no other material considerations which indicate a decision should be otherwise.

Stockton on Tees Local Plan

GP1 General Principles, EN4 Nature Conservation and EN11 Cleveland Community Forest

BACKGROUND

1. Planning permission was approved in 1996 for the temporary use of the site as a Sunday car boot sale. The temporary consent expired in December 1997.
2. Planning permission was sought for the permanent use of the site as a car boot sale. This application was approved subject to a Section 106 agreement to reduce the potential number of HGV's that could be operated from the site which stood at 300 vehicles to 10. This Section 106 agreement was never signed and therefore a formal decision was never issued.
3. Planning approval has been granted for residential development on the site for 148 dwellings, however this remains, to date, unimplemented.
4. The applicant has recently been operating the car boot sales, utilising the permitted development right, which allows markets to operate on any 14 days within one calendar year.

SITE AND SURROUNDINGS

5. The application site is the Transport Depot, located in Blakeston Lane, Norton which extends some 27 acres. To the north and west of the site are two properties namely White House Farm and Howden House. To the South of the site is Harpers golf course.
6. The main access to Blakeston Lane will be from Junction Road which lies to the south of the site.

PROPOSAL

7. The applicant seeks temporary consent to operate the Sunday car boot sale until November 2009, operating from 11am to 3pm. The gate however will be open from 10am.
8. The site has 180 pitches for sellers. Up to an estimated 400 buyers cars are attending the car boot sale at present and separate car parking is available within the site for these visitors. The car parks are staffed by 7no stewards.

CONSULTATIONS

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

Head Of Technical Services

10. The site has an extant planning consent for 148 dwellings that is expected to generate 90 vehicles out and 24 vehicles into the site during the morning peak hour and 73 vehicles in and 43 vehicles out in the evening peak hour.

The traffic generation of the extant permission will be lower than the proposed car boot sale, however base traffic flows will be lower on a Sunday than the weekday peak hours. There is therefore no highway objection to this proposed change of use, as it is not considered that it will adversely affect highway safety. However, full details of the segregated pedestrian walkway should be submitted.

Environmental Health Unit

11. I have received an objection on the grounds of reduced air quality due to an increase in traffic movements from a member of the public, I have replied stating that the affects of the traffic movements would not raise the air quality significantly enough to action an Air Quality Action Plan. We have no further comments to make.

Care For Your Area

12. No comments made

Councillors

13. No comments made

PUBLICITY

14. Neighbours were notified and any comments received are below (if applicable):-
15. There have been 18 letters of objection received on the application with the main objections being the impact on traffic and highway safety.
16. There have been 27 letters of support for the application, with 4 of these letters from the occupiers of properties close to Junction Road.

PLANNING POLICY

17. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).
18. The following planning policies are considered to be relevant to the consideration of this application

Policy GP1

19. 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 EN4

20. Development which is likely to have an adverse effect upon sites of nature conservation importance will only be permitted if:-
- (i) There is no alternative available site or practicable approach; and
 - (ii) Any impact on the sites nature conservation value is kept to a minimum.
- Where development is permitted the council will consider the use of conditions and/or planning obligations or provide appropriate compensatory measures.

Policy EN11

21. The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

MATERIAL PLANNING CONSIDERATIONS

22. The main planning considerations of this application are the impacts of the use on the amenity of the surrounding properties, access and highway safety and ecology.

Amenity of the surrounding properties

23. The proposed car boot sale will operate from the Transport Depot. This site was a former Quarry and has permission for residential development on the site. No concerns have been raised regarding noise and disturbance from the actual car boot sale operation on site, only the traffic.
24. The nearest residential properties, apart from the applicant's own residences, are located some 140 metres to the north and west, and the main housing development is Blakeston Court which is beyond the golf course and railway line. The main activities will take place on an existing hardstanding area to the east of the site. This site is fairly remote from residential areas and there is screening from the properties nearby by a line of trees. Due to the distances involved and the topography of the land the proposal does not give rise to any undue concerns over noise and disturbance to nearby residents.

Traffic and Highway Safety

25. Concerns have been raised by residents from the nearby area with regards to traffic. Residents state the car boot sale has added to the traffic on Junction Road to such a level that it causes traffic jams, tailbacks and noise, making it difficult for residents to access and exit their own properties.
26. The Head of Technical Services has viewed this proposal and has taken into account the history of the site which has an extant planning consent for 148 dwellings that is expected to generate 90 vehicles out and 24 vehicles into the site during the morning peak hour and 73 vehicles in and 43 vehicles out in the evening peak hour.
27. The Head of Technical Services is of the opinion that the traffic generation of the extant permission will be lower than the proposed car boot sale, however base traffic flows will be lower on a Sunday than the weekday peak hours and there is therefore no highway objection to this proposed change of use.
28. The plans show a pedestrian walkway along the access to the site from Blakeston Lane, this is to the north of the site. The Head of Technical Services has suggested that this be located to the south to avoid pedestrians crossing the road as traffic is turning in. A condition has been recommended for the walkway to be repositioned to the south, details of which are to be submitted and agreed in writing.
28. Notwithstanding the objections made, taking into account The Head of Technical Services comments it is considered that the use will not adversely affect highway or pedestrian safety.

Nature Conservation and Cleveland Community Forest

29. The site is a disused quarry and the area used for the car boot sale is on an existing hardstanding open area, remnant from the past industrial use of the site and it is considered that the proposed temporary use of the land will not have an adverse effect on nature conservation.
30. The land is within an area designated as Cleveland Community Forest where the planting of trees is encouraged. Although the scheme does not propose any tree planting, none have been lost and therefore the proposal does not conflict with the intent of policy EN11.

Other Matters

31. Concerns have been raised regarding reduced air quality due to an increase in traffic movements. The Environmental Services Officer has confirmed that the affects of the traffic movements would not alter the air quality significantly enough to action an Air Quality Action Plan or raise any concerns. It is therefore considered that air quality will not be affected by this proposal.
32. Objectors state that car drivers drop litter from their cars, however Local Authorities already have powers to deal with littering and this is not a material planning consideration

CONCLUSION

33. Overall, it is considered that the proposed car boot sale does not involve any significant loss of amenity for the residents of the neighbouring properties or have an adverse impact on pedestrian or highway safety to such an extent to warrant refusal of the application.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

Financial Implications: None

Environmental Implications:

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: Planning Application 09/1235/COU

WARD AND WARD COUNCILLORS

Ward	Northern Parishes
Ward Councillor	Councillor J Gardiner