

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
12th NOVEMBER 2014**

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

14/2359/COU

Chapel Road Youth Centre, Chapel Road, Billingham

Retrospective application for use as a motorcycle training school including playground to be used for training and use of 2 no. portacabins (1 no. garage and 1no. office)

Expiry Date: 13 November 2014

SUMMARY

Retrospective planning permission is sought for the change of use of a site to allow it to be used as a motorcycle training school which mainly includes the use of the playground for rider training, the siting and use of two steel storage containers, one of which is used to store motorbikes and one which is used as an office.

The use has operated from the site for around 9 years and following a complaint being recently received officers noted that the use had been operating without the benefit of planning permission. This application has been submitted to regularise the situation. Members will be aware that if a use operates without permission for a 10 year period it can become exempt from enforcement action and a submission can be made to gain a 'certificate of lawfulness' for the use. Whilst no evidence has been submitted in respect to this application, it is understood from the applicant and objectors that the use has been operating for only slightly less than 10 years.

The site is located in the older part of Billingham between Chapel Road and the churchyard associated with St Oswald's Church which is a Grade 1 Listed building. Residential properties lie adjacent to the boundaries of the site and on the opposing side of Chapel Road and this area lies within Billingham Conservation Area.

A number of objections have been received on matters including noise and disturbance, pollution due to exhaust fumes and traffic related concerns. Comments of support have been received which suggest the site is operated in a professional and courteous way and that the use supports job creation and brings benefits of training.

The Councils Environmental Health Unit Manager has raised no objections to the use in principle although has recommended that conditions should be imposed to limit the site operations and for noise assessment and mitigation to be undertaken subject to the outcome of survey work.

The Head of Technical Services considers the use to be acceptable although pointed out that visibility at the existing access is constrained in an easterly direction by a hedge and tree, recommending that the hedge be realigned and the tree cut back to maximise visibility and that additional parking is provided on site.

Officers have visited the site and witnessed the operation of motorbikes on the playground surface and have given consideration to the extent of, and nature of training. It is considered that the operation of the motorbikes on the playground does not result in a significant impact on the

surrounding area in terms of noise disturbance. The amount of trainees at any one time can be limited by conditions as can the hours of use which would prevent excessive use or use within the early or late hours when surrounding residents should be able to expect a higher level of amenity. It is considered reasonable to look at options to improve visibility at the access and gain benefits from the way in which the site operates and conditions are recommended to achieve this and make the development acceptable in planning terms.

RECOMMENDATION

That planning application 14/2359/COU be approved subject to the following conditions and informatives.

- 01 *Approved Plans***
The development hereby approved shall be in accordance with the following approved plans;

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>18 September 2014</i>
<i>SBC0002</i>	<i>18 September 2014</i>

Reason: To define the consent.

- 02. *Hours of Use***
The use hereby approved shall be limited to the hours of 8.30am to 5pm Monday to Saturday with no Sunday or bank holiday opening. Any movement of bikes before 9am shall be without the engine running. Any use of motorbikes/cycles for training or tests on the public highway outside of these hours shall only be undertaken in instances where the motorbikes / cycles are wheeled to and from the site access onto Chapel Road without the engine being started.

Reason: In order to limit the hours that noise will be generated from the site in respect to the use, thereby limiting the extent to which the site will affect residential amenity in accordance with the guidance of the National Planning Policy Framework.

- 03. *Visibility splay at access***
Within 6 months from the date of this permission being granted, works to improve visibility at the access (in an easterly direction) will be undertaken in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to improve highway safety associated with the use of the existing access in accordance with the guidance contained within the National Planning Policy Framework and Core Strategy Development Plan Policy CS2.

- 04. *Site Operating Plan***
Within 3 months from the date of this permission being granted, a site operating plan shall have been submitted to and approved in writing by the Local Planning Authority. The Site Operating Plan shall include details of maximum numbers of bikes being ridden on site at any one time, vehicle parking arrangements and teacher to rider communication methods on site whilst bikes are in use.

The use hereby approved shall be operated in accordance with the approved site operating plan which can be updated on agreement by the site operator and the Local Planning Authority.

Reason: In order to minimise impacts of the use from the site on the surrounding residential area in accordance with the guidance within the National Planning Policy Framework.

05. Additional vehicle parking

Within 9 months of this permission being granted, additional vehicle parking will have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure adequate parking provision is made in accordance with the requirements of Core Strategy Development Plan Policy CS2.

06. Visual mitigation scheme (containers)

Within 6 months of the permission hereby approved being granted, a scheme of visual mitigation for the storage containers (garage and office) shall have been implemented on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The scheme may include the provision of landscaping and / or cladding and shall be maintained in accordance with the scheme for the duration of the containers on site.

Reason: Due to the appearance of the containers and their position within the Billingham Conservation Area.

07. Removal of containers on cessation of use

Within 3 months of the cessation on site of the use hereby approved, the containers forming part of this permission shall have been removed from site and the ground beneath them shall be taken back to soil and grass seeded.

Reason: In order to prevent unjustified impact from the retention of the storage containers on the site within the Billingham Conservation Area.

Informative 1: National Planning Policy Framework

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

BACKGROUND

1. No recent planning related history for the site other than in respect to this proposal.
2. The Local Planning Authority were made aware of the motorcycle training use operating from the site in 2013 and on checking, it came to light that there was no permission for the use to operate from the site.
3. It is understood that the site has been used as a youth centre for an extended period of time but has a longer history as a community centre / school. The Council are currently leaseholders for the site but do not own the site.

SITE AND SURROUNDINGS

4. The application site is located within the older part of Billingham and falls within Billingham Conservation Area. The site backs onto the grounds of St Cuthbert's Church and the associated vicarage which lie to the south and east of the site. A block of apartments lies to the east of the site with other residential properties on the opposing side of Chapel Road to the north and to the western boundary.
5. Within the site there is a small car park just inside the access, a surfaced 'playground' with wire mesh fence around it, a single storey linear building with a covered walkway to the front and a grassed area to the southern end. Two steel containers are positioned within the grassed area and trees exist along the boundaries of the site.

PROPOSAL

6. Retrospective planning permission is sought for the use of the site as a motorcycle training school, for the retention of 2 steel containers which are used for the storage of motorbikes and as an office, and for the use of the playground for the teaching of motorcycle riding. It is understood that the large building on site is already used as a youth centre and that the motorcycle training use also shares use of one of the rooms within the main building.
7. The application form indicates use from 8:30am to 5pm Monday to Saturday and being closed on Sundays and Bank Holidays.
8. The operator of the site submitted support comments which outline some of the operational matters of the site and these are summarised below rather than in the publicity section of the report.

We used to start bikes up early and ride them onto the yard to warm up. At residents requests, we now push bikes to Chapel Road (public highway) if before 8:30am to start them (though starting this early is only for early tests which are not the norm).

No bikes are started or ridden on the yard before 9am, very rarely after 5pm and never on a Sunday or Bank Holidays.

There are only ever four bikes moving at one time although there can be four bikes on Compulsory Basic Training (CBT), two stationary instructor bikes and two stationary pupil bikes ready for lessons. When pupils on lessons are ready to leave the yard, they will ride a couple of laps around the yard to ensure they are comfortable and the bike is set up correctly. During this time, the four bikes on CBT will remain stationary.

With regards to the access, customers are briefed about the exit before leaving the premises and are in radio contact and under guidance during exiting. Potentially, customers will come across such things when riding unaccompanied, which many of our customers do on their own bikes with L plates.

We would like the exit point to be altered, however, this is more down to SBC than ourselves. When in the past SBC tried to improve vision by cutting the hedges back a little, some of the residents were outraged and complained.

Before Ace started at Chapel Road over nine years ago it approached SBC youth services and local neighbours as to its intentions and uses of the yard.

We actively encourage customers to park within the grounds but with the best will in the world, cannot force people to park within the grounds over the public highway.

PLANNING POLICIES

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

The following planning policies are considered to be relevant to the consideration of this application:-

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.

Saved Policy EN24 of the adopted Stockton on Tees Local Plan

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Saved Policy EN28 of the adopted Stockton on Tees Local Plan

Development which is likely to detract from the setting of a listed building will not be permitted.

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

Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

(iii) Further guidance will be set out in a new Supplementary Planning Document.

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

(iv) 8. Additionally, in designing new development, proposals will:

- (v) _ 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;
- (vi) _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- (vii)_ 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;
- (viii) _ 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.

CONSULTATIONS

Consultees were notified and comments received are summarised below:-

9. Environmental Health Unit

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

Noise disturbance to adjacent residential premises

Before the commencement of the development hereby permitted, a scheme for the protection of adjacent residential dwellings from noise from on-site motorcycle training shall be submitted to and approved in writing by the Local Planning Authority.

Such a scheme, should include the following

The opening hours should be limited to 08.30hrs ' 17.00hrs (with no one on the tarmac until 09.00 hrs) Monday to Saturday and no Sunday or Bank Holiday working, to ensure that adjacent dwellings are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

This scheme should include controlling the number of vehicles allowed on the tarmac area at any one time

The scheme should limit the amount of time per day that the tarmac area will be used for motorcycle training (rather than parking of vehicles)

An assessment by a noise consultant will be necessary in order to establish where or whether any acoustic protection is required or whether the restrictions proposed in 2 and 3 above are sufficient.

Head of Technical Services

Subject to the detailed highway comments below the Head of Technical services has no objections to this application.

Highways Comments

Visibility at the existing access is constrained in an easterly direction by a hedge and tree. However this can be overcome by realigning the hedge and cutting the tree back to maximise the visibility from a point in the centre of the access 2m back from the carriageway edge. Subject to the above no highway objections are raised.

The applicant states that there are currently 2 in-curtilage car parking spaces; it would be advantageous to provide additional in-curtilage parking due to the limited availability of on-street parking in the vicinity. An additional 4 spaces could be provided to the left of the access giving a total of 6 spaces which would be acceptable.

Landscape & Visual Comments

The surrounding views are screened by existing vegetation, there are no landscape and visual objections.

PUBLICITY

10. Neighbours were notified and letters of both support (16 letters) and objection (8 letters) were received. These are summarised below with objections followed by statements of support :-

11. Stephen Martin, 50 Chapel Road Billingham
Object. Noise is not only from the bikes but from the constant shouting from either the riders or instructors while practicing on the playground. Object due to the cars which park daily outside our house from the use and our dogs are scared of bikes and bark when they go past. Concern is also raised for the safety of children in respect to increased omissions.

12. Ian Helps, 48 Chapel Road Billingham
Object. This is no longer a totally residential area and will affect house values. You can hear shouting from the trainers when sat in your garden. There is a lack of parking facilities at the premises which means their visitors park on the highway outside people's homes, particularly on a Saturday. My neighbours opposite must be really frustrated by the engine noise and pollution which must affect the pleasure of them using their garden.

13. Janet Ann Sockett, 28 Chapel Court Chapel Road
Strongly object. When they initially turned up they said it would be temporary whilst their premises at Thornaby was repaired. Who gave them permission without consultation?. The premises (yard) is used 6 days a week from 8 am until late afternoon / early evening resulting in the drone of motorcycles, sometimes as many as 7 being driven round and round the playground with instructors shouting their commands over the noise of the engines.
This is a conservation area, is this in keeping with that ethos?
The porta-cabins are shipping containers which are an eyesore and certainly not in keeping with the conservation area.
The clients park their cars outside houses and there is already restricted parking on Chapel Road and there is a footpath only on one side and people walk alongside the road in-front of the site.
The road surface is potholed, and not suitable for motorcycles creating a safety hazard and access to the site is via a steep access ramp with hedging restricting visibility for people using the exit and driving past the entrance.
ACE erected an advertising hoarding 3 to 4 years ago and placed banners on the fencing making the site look like a trading estate. These were removed following complaint to the council. Why was it not noticed then that the use was operating without permission?
One of their riders sped down the driveway across the road through my driveway gates and into the back of my car on the driveway. I have never allowed my child or visitors or pets

play in the garden unsupervised when the riders are operating meaning Sunday is the only 'safe day'.

During the summer months, using our only garden, with windows open, is unbearable due to noise generated and can often be heard indoors.

14. K And G Rattue, 42 Chapel Road Billingham

Objects. The shipping containers obscure our view of the church yard and noise levels are rather high fairly often.

15. Moore, Highfield 16 Chapel Court

Objects. This is in contravention of the agreed use of the school / youth club especially as it is in a conservation area. The noise coming from the motorcycles and instructors is a disturbance to privacy as the instructors shout to make themselves heard above the bikes. Exhaust fumes pass into my garden especially the patio area and this makes private enjoyment very difficult. Traffic into and out of the site occurs at a point where Chapel Road narrows and this makes movement difficult. Parking by the trainees causes problems to residents and raises risk to highway safety. Property values have been adversely affected.

16. The use operates at unsocial hours, we have experienced them operating at 7am and 7pm. On one Saturday there were 8 motor cycles in use at the same time and 6 in use on another occasion.

The porta-cabins are actually shipping containers which were brought in by crane 9 years ago.

17. Mr And Mrs L McCallum, 46 Chapel Road Billingham

Objects. The noise from 8am on a Saturday morning is unacceptable. The customers of the training school frequently park outside our house leaving residents limited space to park due to double yellow lines elsewhere in the street. The fumes from the bikes also linger when training is on. Can car parking not be facilitated at Chapel Road Youth Centre moving forward.

18. Mr John Moore, 19 Chapel Road Billingham

The school is in a Conservation Area which is contrary to its use.

The noise emanating from the yard is disturbing to my privacy and peace expected from a private home.

Exhaust fumes pass into our garden from the yard and the school stop their bikes close to the boundary fence between them and us and rev up their engines.

Traffic into and out of the site is difficult as the road the point of entrance reduces in width from a 2 car to a 1 car width. It is an accident in waiting.

The Stockton on Tees Borough Council Development Plan would not allow a use of this nature to be carried on in a private residential area.

Property values have dropped. As a Chartered Surveyor of some 45 years experience I know that values have been affected by the presence of the training school.

They operate unsocial hours. We have been awakened at 7am before today when they have started operations. One Saturday morning they had 8 bikes in use around the yard (today there are 6 04/10/2014).

The "portacabins" referred to are actually shipping containers and they had to be lifted into position before they could be used.

Finally the school has a duty of care to the residents of a private residential area where the average age is over 65 and they do not seem to care for that.

I object vigorously to the continued use and hope the planning authority will use their powers to visit the site and see for themselves.

19. Peter Lambert, 1 Chapel Court Chapel Road
Support. No further comments.

20. Mr Mark Smith, 8 Manor Fields Wynyard

I would like to add my support to this retrospective planning application.

The location has been used successfully for a number of years without any major issues being raised by local residents. The staff do their utmost to minimize any impact on the residents quality of life.

The issue of cars parking on chapel road is ludicrous as this is a public road and is used by many people including those attending the allotment and shopping in the high street. The unit does not make any more noise than a public dwelling outside the normal working hours (9.00 - 5.00) Monday to Saturday and as for the noise of motorcycles we have to remind people that this unit is approx. 200 yards away from 2 major roads let alone the A19.

I know we would all like to have a complete peace free existence but we all have to accept one or two small inconveniences from time to time.

21. Mr Robinson, 34 Stokesly Crescent, Billingham

I fully support this application on the grounds of safer training for local riders and security of the jobs already in place within this company. I have the highest regards for this company and it's ethics.

22. Mr Briggs, 30 Balmoral Road, Middlesbrough

I think it would be a shame if this facility had to close down , having just passed my bike test with ACE. They have made me a safer person on the road, i don't just mean as a bike rider I mean as a road user. They promote a lot of road safety practice, having had lessons there I know they don't start lessons before 9am, yet I am a self-employed plasterer and I can go into someone's hose and start hammering and banging at 8am.

23. Kay Ikin, 18 Station Road, Billingham

Support Ace Motorcycle training.

24. Mr Tulloch, 18 Brierly drive, Wynyard

I support this applications, as it is a small business giving a good service and employment to the local community, it is also utilising a once derelict site, the staff at the facility are very mindful and considerate of local resident's needs.

25. Mr Malcolm, 106 Wolviston Mill Lane, Billingham

Support.

A number of years ago I returned to Billingham (my home town) and got the BUG to go motor cycling once more and to find a training facility on my door step so to speak to get me back-up to speed was a god send. The facility also supports local businesses and we need this to continue for the support of those.

Since gaining my license I have become a member of the North East Blood EVS Group delivering bloods and specimens between local hospitals in the dead of night by motor cycle. Without the training received from the training centre in Chapel Road I could not have done this in the time available to me.

26. The residents of Billingham need businesses to flourish in our own town.

Motor Cycles to day generate very little sound.

27. TJ Sowerby Butchers, 25-27 Station Road, Billingham

It has been there for 9 years, and over this time we T. J. Sowerby butchers of 25-27 Station Road Billingham, have had regular custom from the training schools staff and customers. We often see people after finishing their training going and using other shops on the parade also, so for the training school to not be there any more would result in less customers for the shops on the parade. We often see the training school conduct lessons driving pasts our shop in a safe quiet manner, with due care and attention to the surroundings. It would be great to see it stay in its current location and carry on from there 9 years trading on chapel road.

28. Mr Weatherall, 19 Beech Grove, Durham

I support this application for the following reasons:

Employment - the business supports a number of qualified motorcycle instructors;

Road safety - European legislation requires initial stages of motorcycle training to be carried out away from the public highway. Without this facility motorcyclists may not receive the detailed instruction they require the remain safe on the roads;

The conditions attached to the recommendation (not operating before 9am or after 5pm and not on Sunday's or public holidays) will ensure a sensible balance between quality of life for residents and the needs of the business.

29. Mr Cutting, 1 Ely Road, Durham

Support. As a past client of Ace Training I can say without contradiction that Ace only act in a professional manner with an emphasis on safety and consideration whilst training and riding on the road. Their record of safety is second to none and is an absolute must for the young, inexperienced riders, and also for bikers who want to further their riding skills.

It would be a travesty for them not to go on training at their Chapel Road site as it is a first class service they provide and a much needed school for the promotion of motorcycle safety.

30. Miss Gillian Parker, 8 Church St, Consett

Without the help and support from ace motorcycle training I would never of been able to fulfil my dream of riding a motorcycle. I found all the staff very professional and the training area very clean and tidy and well looked after.

31. Mrs Sanderson, 31 Brendon Grove, Ingleby

Support. This Training school has allowed not hundreds but thousands of people of all ages and sexes to ride motorcycles and scooters safely on the roads , some of them just for enjoyment and pleasure, some of them to provide essential transportation. It seems very unfair because of the selfishness of a few people that this facility may close. Not to mention the loss of employment this will cause to those who are employed by Ace Motorcycle Training.

32. Mr Sanderson, 31 Brendon Grove, Ingleby (site operator)

There are businesses already in Chapel Road, it is not solely residential. There is a very large social/working men's club, the Old Billingham Business Centre containing several businesses plus two busy car repair/mechanical garages, a dog grooming business at Glebe Farm (next door but one), a large public house on the corner and also a spiritualist church almost opposite. I find it very difficult that some residents think they can tell the difference between our motorcycle fumes and that from traffic using Chapel Road and the very busy bypass road (dual carriageway) not much further away from them.

Apparently, there are some dogs which are frightened and bark when our bikes go down the road. Is this just our bikes or all bikes/traffic? Again, it is a public highway. All our bikes used are road worthy and legal including exhaust noise and emissions.

With regard to obstruction of view of the church due to the container, I think with the angle of the property and taking into account its elevated position, I would think the obstruction is minimal, taking into consideration there are two large trees and shrubs at the front of our site and a large wall behind the containers and in front of the cemetery anyway.

It is also very interesting that residents at numbers 11-15 Yenton Close and about 10 apartments in Chapel Court are all closer to our yard than any of the objectors, (apart from No 19) yet have made no objections and in fact one has submitted a letter of support. In fact none of the residents in Yenton Close or Chapel Court have made any complaints up to the date of this letter. (may be they have yet to be lobbied let's wait and see). Customers and staff of Ace are supporting local businesses; most customers who take lunch here use the local cafes and shops.

Ace fuels all its bikes at the local petrol station and we often get our bikes MOT'd at Bank Top Garage and encourages local customers to do the same. Ace's customers buy bikes/parts/clothing and servicing etc. at local bike shops including Pioneer in Norton, Graham Charlton in Stockton, Tillston's in Stockton and VFM in Thornaby. They in turn send us customers and we have contracts with some of these businesses to carry out CBT's for customers who have bought from them.

When we first started here over nine years ago, there were problems on nights, weekends and during school holidays where youths were entering the site causing vandalism, drug taking/drinking and general ASB. We patrolled the site regularly, moving them on and this is now virtually non-existent.

There appears to be a concerted campaign from a few residents to try and close Ace. I have heard rumours and I do not doubt them that some of the residents will not be happy till Ace, the kickboxing club and the youth club itself are all gone. I think they have a rose coloured vision of the site being bought and one or two luxury houses being developed, when in reality (and this is also a rumour I have heard) a developer has already looked at the site, should it become available, with the intention of building social/rented accommodation which seems more likely (might be a case of better the devil you know!).

Ace Billingham for the majority of the year, employs two full time instructors and in busy periods part time instructors. If this facility closes, it is highly likely that two full time instructors will lose their jobs. I personally have been employed and based at Billingham for all of that time over the nine years. This campaign to try to close us (curtains twitching, people pointing/staring, being videoed/recorded, heads out of windows, emails and letters) is causing me personally a lot of anxiety and ill health which has recently been diagnosed as stress. If I lose my job at 59 years old, it is unlikely I will be able to find another, resulting in all the problems that unemployment will bring.

33. Colin Sanderson, Bank Top Garage, South view, Billingham

ACE Motorcycle Training is a thriving local business in this depressed area of Billingham. Not only does it provide an opportunity for beginners to receive a sound understanding of safe and responsible riding, but its presence on this site has benefited the community by revitalizing this under-used and one-time vandal-blighted facility. We need more local enterprise to take on the many empty and forlorn properties which once were the heart of our community, and ACE Motorcycle training is an example to be encouraged.

34. Mr Colin Lambert, 16 Monkseaton Drive, Billingham

Both my son and I have trained with Ace motorcycles, and having read the objections I feel they are unfounded. On the issue of parking, the area outside of the houses is a public road not private parking there may have been the odd time people park outside of the yard but I am sure it is not as frequent as made out, on the issue of noise, I have seen the staff

pushing the bikes onto the road before starting them up so as not to disturb the neighbours and i am sure on the CBT the bikes don't start till 10 am, on the issue of an accident waiting too happen, how many have there been on that road in the 9 years they have been there and how many are attributable to the motorcycle training school, and why after 9 years are they complaining?

35. L Brooks, 30 Earlsdon, Acklam, Middlesbrough

Complaints about noise and start times are considered to be unfounded.

36. Mr Spence, 52 Chapel Road Billingham

Object due to loud noise of motorbikes and instructors shouting and due to the amount of traffic generated and the parking of vehicles from users of the site in Chapel Road which restricts residents parking.

Material Planning Considerations

37. Planning permission is sought to retain the unauthorised use of the site to allow for motorcycle training (sui generis use). It is understood that the site also operates as a youth club.
38. The main considerations of this proposal relate to the suitability of the use in this area, impacts of traffic movements, the impacts on surrounding residents, on the character and appearance of the conservation area and on the nearby listed buildings. These and other material planning considerations are considered as follows;

Principle of use within this area

39. The proposed use is not one which would fit within existing designated areas such as the town centre or an industrial estate where land is generally safeguarded by policy to provide for retailing and business uses. As such due consideration of alternative sites such as this is appropriate. The application site is not a residential site but one which has been in a community type use for a significant length of time and its continued use as a non residential use is appropriate. There is no specific need for the site to be located in any particular area in terms of sustainability given the wide ranging area that customers will travel from and there is no apparent benefit from linked trips with other existing uses within the borough in view of the nature of the training. Subject to the consideration of impacts, the use is considered to be a suitable one within the area.

Highway related matters

40. The application indicates two instructors operating from the site and it is understood that instructors would normally train two or three riders at a time which equates to around 6 to 9 persons at the training school per day. This is considered to result in a particularly limited amount of traffic at the site at any one time.
41. The site is accessed off Chapel Road and the site junction is slightly unusual in that Chapel Road is narrower to the east side of the junction than to the west as the road narrows at the point of the access. Visibility in a western direction is open and clear although somewhat constrained to the east by the presence of a hedge and tree. The Head of Technical Services has recognised the constrained visibility to the east and advised that this can be overcome by realigning the boundary hedge and cutting the tree back to maximise the visibility.
42. Whilst the request to move the hedge and trim back the tree appear to be reasonable, it has to be borne in mind that this use has operated from the site for around 9 years and that

the training centre utilises an existing access which has been in existence for many more years and any use of the site will generate traffic onto the highway, and arguably, this current use is particularly limited in traffic numbers compared from potential uses which could operate from the site.

43. Users of the site would be under supervision of instructors for many of the manoeuvres from the access whilst motorbikes can operate with a reduced visibility splay to that of motorists as they would generally be closer to the give way line than a car driver and arguably at a higher up position. Notwithstanding these points however, it is considered that there are benefits in greater visibility being provided at the access. This could be moving the hedge, trimming the hedge (depth and height) etc and rather than specifying a specific scheme, a condition is recommended which allows a scheme to be agreed.
44. Objection has been raised about parking on the highway and about highway safety for people walking in the highway and the ability for residents to use their gardens due to the potential for out of control bikes to be in the vicinity of the site. The riders associated with the use are under supervision and rider abilities are their own responsibility and / or the responsibility of the trainer. If they are eligible to be on the highway then issues beyond this are considered to fall out-with the reasonable remit of planning control.
45. The site has its own car park just within the site entrance although this is considered to be too small to provide for all staff and trainees at the site should they all arrive by car. It is also appreciated that parking on the existing hard surfaced playground is unlikely to be suitable as this is the surfaced area where trainees ride the motorbikes. As such, some parking may take place within the highway or surrounding area which seems to be suggested by local residents as already being the case. Double yellow lines run along both sides of Chapel Road which would limit the ability for customers and staff to park adjacent to the site. In view of these circumstances and in line with additional comments from the Head of Technical Services additional parking within curtilage is necessary. A condition is recommended to achieve this.

Impact on residential amenity

46. Residential properties lie to either side of the site with a single residential garden running the entire length of the western boundary (albeit with properties in Yenton Close beyond) and the Vicarage (at some distance to the south east) and Chapel Court to the east. Residential properties also lie to the opposing side of Chapel Road.
47. Relative to impacts on residential amenity, it is understood that the use operates as follows;
 - visitors come to the site and park in the existing car park adjacent to Chapel Road or within the highway,
 - initial verbal / video training takes place in the youth centre building on site,
 - on bike training is initially undertaken on the playground area,
 - once a certain level of ability is achieved, the training goes out onto the public highway and normally stays on the highway thereafter.
48. The use is limited by the number of instructors and the scale of the 'playground' area to take riders. The application details 2 full time employees and 1 part time employee and the applicant has indicated that they are only able to have 4 riders riding around the playground at any one time, although more bikes may be present which are either not in use or are being taken out onto the highway. The applicant has also indicated in instances where road training starts early, they would normally push the motorbikes from the rear of the site where they are stored, down to the roadside access and commence the lesson / training from the road. They have further indicated that they do less training in winter and on some mornings have no training at all which is assumed to be due to poor weather conditions.

49. It is considered that limiting the number of riders at the site will in turn limit the impacts of the sites use on residential amenity and due regard must be taken that a site of this nature with a playground and the ability to operate as a community type use could arguably generate a reasonable impact on the amenity of the surroundings without the need for any planning permission.
50. Officers have been on site and witnessed motorcycles being rode around the playground and it was considered that whilst they are audible, the noise levels significantly reduce when the bikes are being ridden on the opposite side of the playground and when the exhausts are facing in the opposite direction to the noise recipient. The site is also adjacent to Chapel Road where noise from road traffic will already be apparent.
51. The residential properties in Chapel Court are at distance (approx. 25m) from the playground and are partly set behind the existing youth club building which will shield some noise being generated and in view of these matters, it is considered that the use would not unduly affect the residential amenity associated with Chapel Court. Properties on the opposing side of Chapel Road are a similar distance away and similarly unlikely to be significantly affected by the proposed use, particularly as there is a public highway in-between.
52. The property likely to be most affected by the proposed (retrospective) use is 19 Chapel Lane which has its side elevation running adjacent to the playground where the motorbikes operate, followed by a single storey offshoot from the house followed by a fence and then a hedge for the remainder of the garden boundary. Whilst the operation of motorcycles on the playground would be noticeable, partly as a result of it being at a higher level to the garden of 19 Chapel Lane, the side walls of the house, the fence and hedge would attenuate some of the noise.
53. Having visited the site and witnessed motorcycles in operation, the Councils Environmental Health Unit Manager (EHUM) has raised no objection in principle to the use although has raised some points and indicated that certain controls should be in place which revolve around an 'Operating Plan' which seeks to control;
- Opening hours. Limited to 08.30hrs to 17.00hrs (with no motorcycles being ridden before 09.00 hrs) Monday to Saturday and no Sunday or Bank Holiday working.
 - Control the number of vehicles allowed on the tarmac area at any one time,
 - Limit the amount of time per day that the tarmac area will be used for motorcycle training (rather than parking of vehicles)
 - Possible acoustic protection to be subject of noise assessment work.
54. Noise from the site is one of the main points of objection to the application with complaint about noise from both the motorbikes and the instructors shouting instructions to the riders over the operating noise of the bikes engine.
55. Given the on-site attendance by officers witnessing motorcycles riding around the playground, from a position within the playground and with no noise attenuating features between the motorbikes and officers, it is considered that the extent of noise does not have a significant impact on residential amenity to a degree which would justify refusal of permission. Having discussed the matter of an operating scheme with the applicant, it is considered that limitations on hours of use are workable as are limits on numbers of trainees riding at any given time and these are being recommended as conditions. A further condition is being recommended which would require the agreement of an operation plan to deal other matters which have the ability to minimise impacts of noise such as the way in which trainers communicate with riders when they are riding bikes on the site.

56. The Councils Environmental Health Unit Manager has requested a noise survey to be undertaken to demonstrate whether any other acoustic attenuation or mitigation is required or whether controls over hours of use of the motorbikes are sufficient. Whilst noted, limits over operating hours will focus impacts to times during the day and limiting numbers of trainees on site and agreeing an operating plan will limit the extent to which noise can be generated. It is considered that these measures are sufficient to address concerns over noise in the instance of there being a public highway adjacent to the site.
57. The site has operated for approximately 9 years without any notable or significant objection or complaint against it. Whilst it has been pointed out by objectors that complaints may have been made earlier had complainants known the use was operating without permission, this is nevertheless considered to demonstrate that the use is unlikely to have been having a significant impact in terms of noise and disturbance on the surrounding area.

Impact on character and appearance of surroundings including the conservation area and adjoining Listed Church / Church Yard and vicarage

58. The application site is visually separate to the site of the church and vicarage which are Grade I and Grade II Listed Buildings to the south east of the site. There is a wall around the application site adjacent to the church grounds and trees run along the boundary between the sites. The steel containers are not of a style which would normally be suited to a conservation area of this nature which at this point is characterised by old buildings, trees and green space. Notwithstanding this, in view of the small scale of the containers and their position away from the shared boundary with the church yard and away from the main viewpoints of the church which are gained from 'The Green' it is considered that the development does not adversely affect the listed buildings or their associated settings. With regards to the impact of the buildings on the conservation area, whilst the steel containers are not themselves a suitable structure for this type of conservation area, they are considered to not be significantly detrimental, being away from the core area of the conservation area which is around the green, and due to their 'temporary appearance'. Notwithstanding these matters, approving this scheme would result in the containers effectively being granted on a permanent basis and it is considered that a condition should be imposed for the containers to be removed should the proposed use ever cease from the site. In addition, it is also considered that a condition requiring a scheme to reduce the impact of the containers is necessary which could be in the form of planting or cladding of some description. This view is considered to align with the considerations of the Head of Technical Services which are that the surrounding views are screened by existing vegetation.

Other Matters

59. Objection has been raised about the additional pollution in the air due to the operation of the motor bikes, however, in view of the limited number of bikes being used at the site and the open nature of the site, it is considered that this would only be a negligible impact.

CONCLUSION

60. The proposal is considered to represent a suitable use of the site and that it has limited and controllable impacts on residential amenity and the character and appearance of the surrounding area which can be addressed by the imposition of the recommended planning conditions. It is considered that adequate access is achieved and the existing arrangement can be improved by conditional requirements.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

WARD AND WARD COUNCILLORS

Ward Billingham South Ward
Ward Councillors Councillor Mrs Jean O Donnell, Councillor Michael Smith.

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal has operated on site for approximately 9 years and its environmental impacts relate to noise and disturbance and pollution and the visual impacts on the surroundings. It is considered that these would be relatively limited subject to controlling conditions and restrictions on the hours of use and intensification of use that can be achieved.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The views of residents and other has been taken into account in reaching the recommendation whilst the impacts on nearby properties and land uses have been taken into account. It is considered that the proposed use would not have a significant and detrimental impact on the amenity associated with the adjacent residential properties.

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. The proposal is considered does not increase risk to community safety taking into account the use of an existing site, fall-back position of a use for the site and improvement to site operations relating to the access which can be achieved.

Background Papers:

Planning History