

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 23rd May, 2018.

**Present:** Cllr Norma Stephenson O.B.E(Chairman), Cllr Mick Stoker(Vice-Chairman), Cllr Helen Atkinson, Cllr Derrick Brown, Cllr Carol Clark, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr Gillian Corr ( Sub Cllr David Harrington), Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Marilyn Surtees, Cllr Ian Dalgarno (Sub Cllr Mrs Sylvia Walmsley), Cllr David Wilburn

**Officers:** Bob Cowell, Simon Grundy, Joanne Roberts, Peter Shovlin, Sam Tidy (EG&DS), Julie Butcher (HR,L&C) Sarah Whaley (A,D&ES)

**Also in attendance:** Applicants, Agents, Members of the Public

**Apologies:** Cllr David Harrington, Cllr Sylvia Walmsley

**P**            **Evacuation Procedure**

**6/18**

The Evacuation Procedure was noted.

**P**            **Declarations of Interest**

**7/18**

There were no declarations of interest.

**P**            **Draft minutes from the Planning Committee meeting which was held on**  
**8/18**            **the 21st March 2018,**

Consideration was given to the Draft Minutes of the Planning Committee Meeting which was held on the 21st March 2018 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

**P**            **18/0301/REV**

**9/18**

**Hunters Rest Farm, Urlay Nook Road, Eaglescliffe**  
**Revised Outline planning permission with some matters reserved**  
**(appearance, landscaping, layout and scale) for the erection up to 130**  
**dwellings, associated infrastructure including access road and public**  
**open space.**

Consideration was given to a revised planning application 18/0301/REV Hunters Rest Farm, Urlay Nook Road, Eaglescliffe.

Members were reminded that a duplicate application (17/0775/OUT) was presented to the Planning Committee on the 17th January, 2018 with a recommendation for approval. Members deferred the application requesting the applicant provide more information. An appeal was submitted for non-determination and the application was brought back to the planning committee for Members to decide on how they would have voted. Confirmation was received that the Planning Committee would have been minded to approve the application.

The current application was for Outline planning permission for the erection of up to 130 dwellings (including affordable housing) with the provision of on-site public open space. Access would be taken from Urlay Nook Road with all other

matters reserved for later consideration.

A Hybrid Planning permission was approved on the adjacent site for 21 dwellings and outline permission for a further 2 dwellings which utilised the same access.

Since the original report Members were presented with an update report where it was detailed that conditions had been reviewed and a minor change had been suggested to condition 18 as detailed within the update report, and an additional condition suggested which linked to the amended condition.

The proposed changes did not alter the recommendation of the report but were purely a clerical matter to ensure the conditions were precise.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that overall, it was considered that in the planning balance, although the proposal was out-with the limits for development, the proposed development was not considered to cause significant or demonstrable harm which would warrant refusal of the application.

For the reasons detailed within the main report it was recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

An Objector was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- It was highlighted that there had originally been 70 objections to the proposed development and it was felt that the revised application had not been passed on to those it concerned and therefore was not a true reflection of objections within the revised application.
- It was felt the infrastructure would not cope with the new proposed development and there did not appear to be any improvements to widen roads, include additional cycle paths to local schools.
- The current bus service through Saddlers View development did not go to the provincial Town of Stockton, but to Middlesbrough via Yarm and Ingleby Barwick.
- Residents of Valley Gardens would have views impacted upon from the properties which were to face West.
- Wildlife assessments were inaccurate especially in terms of references made to bats. There was also no mention of the many different species of wildlife such

as deer, foxes, squirrels, badgers, and hares etc. which were spotted regularly in the proposed area.

- There would be considerable impact on residents of Valley Gardens from the disturbance of the construction of the development and due to the westerly prevailing winds where noise and dust would blow across Valley Gardens properties at all times.
- The existing drains from the Elementis site went through the proposed development. It was understood that surface water treatment plants were collated for standing water and treatments and that this was allowed through the drain system. It was asked that the developer confirm that there would be no further disturbance of the land drains that run through the proposed development to prevent more contamination.
- Residents felt that following a report in the local Gazette in September 2017 stating that 11,000 homes were to be developed within the Borough that Officers were perceived to be under pressure to approve all planning applications to achieve this.

The Applicants Agent was in attendance at the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- It was highlighted that although the Authority could demonstrate a 5 year housing supply, this should be given limited weight until the emerging Local Plan was adopted, and therefore the application should be determined in the context of the NPPF.
- The site was on the edge of the settlement limits of Eaglescliffe and was within walking distance of many shops and services.
- The site was not located within the Green Belt or within any protected landscape designation and was outside any flood zone areas.
- Ecological surveys had been carried out by professionals and mitigation had been agreed with all statutory consultees.
- There were no objections from any statutory consultees and the developer had worked with the Council to ensure that any impact on the local highway and the drainage network could be effectively mitigated.
- The proposal would provide up to 20% affordable housing and a contribution towards recreational open space along with financial contributions towards the highway network and education which would be secured by a Section 106 Agreement.
- There would be employment opportunities within the construction industry and the additional residents would also contribute to the local economy.

Officers were given the opportunity to respond to comments/questions raised. These could be summarised as follows:

- All residents who were considered to be directly affected by the proposed development had been written to and this was detailed within the Committee report.
- In terms of the impact on views from resident's homes, this was not a material planning consideration.
- The impact on wildlife in particular bats. This assessment would have been carried out by a professional ecologist, however where bats may be foraging these may not have been given the same consideration regards to mitigation in terms of habitat creation.
- The animals which were listed by the Objector were not protected species and therefore no real weight could be afforded to them in terms of protection.
- Where reference had been made to 11,000 homes, this was a requirement for the whole of the Local Plan period and as the Local Plan had not yet been adopted no real weight could be given to the Local Plan as yet.
- In terms of flood risk and SUDS Water Management, the proposed scheme had been considered by the Environment Agency and by the Councils Flood Risk Management Team and the information put before the Committee was sufficient to enable a condition to be placed on the application and which was considered achievable.
- In terms of highway impact Members were reminded that the highway impact was fully tested, hence the application being delayed for consideration by the Committee. Since the original application the Council had asked the Applicant for testing at Elton interchange which proved the mitigation required for Allens West which also had benefit from this application and was secured. In terms of the impact at Tesco's roundabout which had been discussed at a previous Planning Committee, this had been fully tested using Allens West mitigation and had been agreed and mitigated against the impact of this development but also benefitted journey times which benefitted the network.
- The Environmental Protection Officer highlighted that in terms of contamination there were standard procedures that Environmental Health would apply to any granted permission to ensure that the land was suitable for its end use.

Members were given the opportunity to ask questions/make comments on the application. These could be summarised as follows:

- Questions were raised as to the meaning of the wording 'severe' contained at paragraph 53 of the report relating to the results of the applicants Traffic Assessment.
- Concerns were raised in relation to the change of character to the area and the impact relating to the view of the North Yorkshire Moors across the site from Uray Nook Road, which would be obscured should the proposal go ahead. It was felt these views should be preserved.
- Concerns were also raised in relation to the fact that Environmental Health had

referred the application to the Contaminated Land Officer however their comments would have been preferred to have been circulated prior to the meeting.

- It was also highlighted that within the report it was recommended that a phase 2 intrusive site investigation be carried out in relation to contaminated land, Members sought clarity as to what this involved as it was assumed within the report that should contaminated land be found then this could be dealt with. Contamination of the nearby beck must be avoided at all costs.
- The developer was asked to identify how the outflow drains from the Elementis site impacted on the land, they were not to be disturbed on the proposed development site and could in fact impact on the proposed density of the site.
- The proposed site would have an impact on the wider road networks and there was no bus service currently operating along Yarm Back Lane or into Darlington Road, through Hartburn to Stockton Town Centre. Expanding outside permitted development needed to go hand in hand with developing public transport network.
- Questions were raised in relation to preserving the character of the area and protecting the view of Roseberry Topping by insisting on low level developments such as bungalows.
- The proposed development was outside the limits of development. If the Local Plan had been in place this view would have been protected, this was part of the character of the area.
- Clarification was sought on what the 15% affordable housing would be.
- It had been identified that there was a power line crossing the site from an existing farmstead and questions were raised as to what mitigation was in place and how this would impact residents.
- The report referred to the results of traffic modelling which indicated that peak spreading would occur as users staggered journey times to avoid traffic congestion and a degree of route reassignment would also occur as road users associated with new developments south of Yarm would seek to avoid the High Street. Members felt it was not always possible for people to do peak spreading due to school runs and work commitments and the issue of route reassignment from the developments south of Yarm to avoid the High Street merely resulted in rat runs and moved the problem into other areas including residential estates.
- In terms of parking it was stated that the development would result in increased trips to Yarm High Street, but improving the car parking within Yarm would mitigate the impact. Members sought clarity as to where the car parking solutions would be located in Yarm.

Officers were given the opportunity to respond to Members comments / questions. These could be summarised as follows:

- Loss of views was not a material planning consideration however impact of the character of the area and the impact on the landscape was however as set out

within the report these had been considered by the Councils Landscape Architect and Planners and they were satisfied that a housing development could be accommodated on the proposed site. The detail would fall to reserved matters which would be considered at a future meeting.

- In terms of the character of the area relating to the loss of the view of Roseberry Topping and the Cleveland Hills, The Urban Landscape Manager explained that this was a view and Officers had to look at these issues objectively. The Landscape Team had assessed this and because of the sensitivities it was seconded by ARUP the Councils framework partners and they arrived at the same conclusion that there were no protected views.
- In terms of limiting the development to single storey homes, Members had previously determined that housing on the proposed site was acceptable without that control.
- Where issues were raised relating to drainage, power lines and the impact on density, this would also fall to reserved matters. Consideration today was for the principal of the housing development.
- Regards the 15% affordable housing, this was a requirement, however at this stage the specifics of the homes were unknown, however would be in line the Councils current adopted policy and detailed within the S106 Agreement.
- Where comments had been raised to define the meaning of the wording 'severe impact' relating to the traffic assessment. This was difficult to define. Local impacts in Stockton were different to those in other towns or cities. It was generally accepted that the Borough of Stockton was not difficult to travel around and journey times were not significant. The proposed application increased the journey time on Durham Lane from 22 minutes to 23 minutes, therefore a 1 minute increase was not considered severe. What had been defined in parts of Yarm was that if you could not get up your side streets then this was considered severe. Officers also explained that they had managed to secure the funding to mitigate impact at Allens West from this application which was deemed necessary.
- In relation to peak spreading and staggered journey times, there was evidence to prove that this was happening within the Borough from traffic surveys. Where concerns had been raised in relation to south of the Borough, if the mitigation at Crathorne could be brought forward this would improve the impact on traffic greatly. Officers were working together with Highways England to bring that forward. The evidence that had been gathered proving staggered journeys, route reassignment and peak spreading had been factored in to the traffic modelling so that the modelling was robust.
- In terms of car parking solutions, this was being proactively progressed within Yarm working with a number of land owners and working through technical issues around that, however at the present time this was still commercially sensitive therefore no further updates were available at this time.
- In terms of concerns relating to the phase 2 investigation for contaminated land, it was explained that, Phase 1 was a desk top study where historical information was examined to determine what might be there. Phase 2 followed

on from that using the results from phase 1 to actively test the soil where appropriate, and phase 3 was a risk management where all data was analysed together to come up with a scheme to make sure that as the land was developed it met the statutory limits for all the contaminants that may or may not be there.

- Although the development was outside the limits to development, it was housing development within a sustainable location, it had been considered on the basis of the material planning considerations. It was acceptable from the planning perspective in principal, In relation to character and visual impact those had been assessed within the report. If Members were minded to impose a condition they would need reasons as to why.

A vote then took place and the application was approved.

RESOLVED that planning application 18/0301/REV be approved subject to the following conditions and informatives and subject to, the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

#### 1. Approved Plans

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

#### Plan Reference Number

#### Date on Plan

CAL020616 01 REV F 12 February 2018

CAL020616 02 REV F 12 February 2018

1701801F 12 February 2018

cjm/1 SUBM.01 12 February 2018

#### 02 Reserved Matters - Details

Notwithstanding the submitted plans, approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

#### 03 Period for Commencement

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

#### 04 Reserved Matters - Time Period for submission

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

#### 05 Retention of existing trees shrubs hedge

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans as part of the reserved matters application a plan shall be submitted identifying the trees and hedges to be retained on the site. Details of a long term maintenance strategy for all trees and hedges indicated for retention

from practical completion of the development shall be submitted to and be approved by the Local Planning Authority with the associated landscaping features being retained and maintained in accordance with the agreed details thereafter. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority

#### 06 Tree Protection

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters scheme. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) Operatives Handbook 19th November 2007). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

#### 07 Construction Management Plan

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the routing of associated HGVs;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

#### 08 Site Construction Access

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

#### 09 Creation of visibility splays (Removal of trees within verge)

Work shall not commence until visibility splays have been provided at the site



entrance to the written satisfaction of the Local Planning Authority in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority.

#### 10 Footpath Links

As part of any reserved matters application precise details of a footway link to the perimeter of the site shall be submitted and approved in writing by the Local Planning Authority and implemented in accordance with the approved details

#### 11 Drainage

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

#### 12. Discharge of Surface Water

The development permitted by this planning permission shall only be carried out in accordance with the mitigation measures contained with the Flood Risk Assessment (FRA) ref no 59475 dated Jan 2018. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

#### 13. Surface water management

The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;

I. Detailed design of the surface water management system

II. A build program and timetable for the provision of the critical surface water drainage infrastructure

III. A management plan detailing how surface water runoff from the site will be managed during construction Phase

IV. Details of adoption responsibilities;

V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

#### 14 Discharge of Surface Water

No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

#### 15. Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### 16. 10% Renewables or fabric first

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

#### 16. Ecology and mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the Protected Species Surveys dated September 2017, undertaken by QUANTS Environmental Ltd and prior to development commencing on site an Ecological Mitigation and Compensation Strategy which includes a wildlife sensitive lighting strategy shall be submitted and approved by the local planning authority. Work shall be undertaken only in strict accordance with the agreed details.

#### 17. Construction working Hours

No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

#### 18. Contaminated Land

Prior to the commencement of work, a full intrusive ground investigation risk assessment be completed in accordance with a scheme to assess the nature and extent of any contamination on the site (whether or not it originates on the site) to include for ground contamination screening and ground gas production, and an appropriate risk assessment undertaken. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological

systems, archaeological sites and ancient monuments;

- an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The required remediation scheme shall be implemented in full

#### 19. Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

#### 20. Remediation Scheme

Following completion of measures identified in the remediation scheme approved in accordance with condition 18 above and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

### INFORMATIVES

#### Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

#### Informative: Northumbrian Water

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and will be contacting the developer direct to establish the exact location of the assets and ensure any necessary diversion, relocation or protection measures

required prior to the commencement of the development.

#### Informative: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

#### HEADS OF TERMS

##### Highways

Improvements to the A66 Elton interchange;

Improvements to the Urlay Nook Road / Durham Lane / Elton Lane / Tesco roundabout;

Provision of a financial contribution towards car parking solutions within Yarm;

A contribution towards the continuation of the bus service, secured against planning application

(Urlay Nook (Taylor Wimpey), for a further 5 year period

##### Affordable Housing

The provision of a minimum of 15% affordable housing to be provided on site.

##### Education

Contribution for both primary & secondary school pupils based on the council's standard formula.

##### Open Space

Contribution towards open space/play facilities should it not be provided on site and maintenance agreements to be agreed.

**P**  
**10/18**

**18/0486/FUL**

**Arco, Crofton Road, Portrack Lane**

**Change of use from storage and distribution (B8) to indoor go-karting centre (sui generis). Alterations to car parking layout.**

Consideration was given to planning application 18/0486/FUL Arco, Crofton Road, Portrack Lane.

The application sought change of use from the existing vacant storage and distribution building, the former Arco building to a new use as an indoor go-karting centre.

There had been a number of objections received from neighbouring residential properties in regards to concerns over noise and nuisance issues associated with the use.

The Environmental Health team raised no objections.

The application was considered to be acceptable in regards to the impacts on the amenities of neighbouring properties and in respect of noise. The proposal would bring with it economic benefits and was recommended for approval with conditions as detailed within the main report.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that it was considered that the proposed change of use to indoor karting centre and associated external changes was acceptable. The proposal was not considered to have an adverse visual impact on the amenities of the area or the surrounding neighbouring properties in respect of noise or nuisance. The car parking arrangements were acceptable and would not have an adverse impact on highway safety and the application was considered to accord with the guidance of the NPPF, saved policies within the Local Plan the Core Strategy and the emerging policies of the draft Local Plan.

It was recommended that the application be Approved with Conditions for the reasons specified within the main report.

Since the original report to Members of the Planning Committee the Environmental Health Unit had requested an additional Planning condition to address noise and disturbance.

The recommendation for approval remained unaffected but with the additional condition to be added as contained within the update report.

The Applicant was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- Members were given a brief company history of Team Sport Karting.
- The company had been operating for over 25 years operating 24 tracks in the UK and employing over 750 staff.
- The nature of the use being sought was unique and was recognised by authorities across the UK where planning permission had been sought in industrial buildings such as the current proposal.
- Indoor karting tracks required a large amount of open space with minimal columns and high ceilings. Industrial warehouse buildings therefore provided the only realistic space for the use of karting.
- The proposed building was found after many months of searching and was particularly suitable given the vibrant mix of commercial, retail and leisure uses in the area.
- Concerns of neighbouring properties had been acknowledged and steps had been taken to try and address those concerns.
- The Applicant was extremely confident that the proposal would not give rise to any adverse impacts and had been demonstrated through robust noise and transport assessments undertaken by professional consultants who had worked with the Applicant on other sites. Both the Councils Environmental Health and Highways Officers confirmed that the proposal was acceptable and would not give rise to any adverse impact.
- The proposal would secure a long term sustainable employment generating unit creating up to 40 new jobs.
- The proposal would bring the vacant unit back into use.
- The unit would not compromise the operation of the wider area.
- Should a subsequent occupier wish, the unit could revert back to an existing B class use. An element of B class use would be retained through the repair and maintenance of the Go Karts.
- The Borough would benefit from additional leisure facilities in an accessible location.
- No complaints had ever been received from residents or other businesses at any of the applicants other Karting venues.
- The proposal complied with the objectives of the prevailing Local and National Planning Policies including the NPPF which placed significant weight in the need to support sustainable economic growth.
- It was hoped that Members would endorse Officers recommendation.

Members were given the opportunity to ask questions/make comments on the application. These could be summarised as follows:

- Brief discussion took place in relation to noise mitigation. Members were of the view that there was satisfactory noise mitigation contained within the proposal however should the premise breach any of its conditions then the Authority would be in a position to take the appropriate action.

- Questions were asked regarding the additional condition which had been added from the Environmental Health Unit relating to background noise levels between 23.00-07.00 hours. Clarity was sought as to what kind of noise would be going on during that time.

- More information was asked for in relation to the proposals function room required for private parties.

Officers were given the opportunity to respond to Members questions. These could be summarised as follows:

- In relation to the question raised regarding background noise levels between the hrs of 23.00-07.00 hours, Offices explained that there was a distribution depot nearby to the proposed site and other industrial concerns which had been reflected in the noise assessment. The noise assessment had been checked by a qualified Environment Health Officer who was satisfied that the requirement of BS4142 had been met.

- Regards the function room, the understanding was that the room was on a mezzanine floor within the actual building above the race track and would be used for children or corporate parties.

A vote took place and the application was approved.

RESOLVED that planning application 18/0486/FUL be approved subject to the following conditions and informative below;

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

| Plan Reference Number | Date on Plan |
|-----------------------|--------------|
| 13340-PL-018          | 8 March 2018 |
| 13340-PL-019          | 8 March 2018 |
| 13340-PL-002          | 8 March 2018 |
| 13340-PL-001          | 8 March 2018 |
| 13340-PL-003          | 8 March 2018 |
| 13340-PL-004 B        | 8 March 2018 |
| 13340-PL-005          | 8 March 2018 |
| 13340-PL-006 B        | 8 March 2018 |

02. Hours of operation

The premises shall not be open for business outside the hours of 09:00 and 23.00 Mondays to Sunday (seven days a week).

03. Noise disturbance from the Go Karting Facility and Air Ventilation. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Plan Authority.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

##### Informative 1: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

##### Informative 2: Indoor Air Quality

Adequate internal ventilation shall be provided and monitoring of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>) shall be regularly undertaken by a suitably qualified person to ensure levels comply with World Health Organisation guideline levels on indoor air quality. The ventilation and monitoring systems shall be installed prior to the premises being operational.

**P 11/18 17/3060/FUL North Cottage Trafford Hill, Aislaby Road, Eaglescliffe  
Erection of residential annexe with attached double garage. (Demolition of existing agricultural outbuilding)**

Consideration was given to planning application 17/3060/FUL, North Cottage, Trafford Hill, Aislaby Road, Eaglescliffe.

Planning permission was sought for the erection of a residential annexe with attached double garage at North Cottage within Trafford Hill. This site was located within a small hamlet of residential properties which all shared the same access off Aislaby Road which was north of this small settlement.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.



The Planning Officers report concluded that overall it was considered that the proposed development accorded with planning policy and would be acceptable in principle. There would also be no adverse impacts on the character of the area, the amenity of neighbouring properties or highway safety. Therefore, it was recommended that the application be approved with Conditions for the reasons specified within the main report.

There were no Members of the Public wanting to make representation.

Members discussed the application.

A vote then took place and the application was approved.

RESOLVED that planning application 17/3060/FUL 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     |
|-----------------------|------------------|
| 001                   | 28 December 2017 |

02. All external finishing details shall be in accordance with the materials specified on the submitted drawing of 001 (date received 28.12.17).

03. The hereby approved granny annexe shall be used as ancillary accommodation to the use of the main dwelling of North Cottage, Trafford Hill, Aislaby Road, TS16 0QT. This building shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit, and shall be used only by members of the family or persons associated with occupier(s) of this main dwelling.

04.No construction/demolition works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

#### INFORMATIVE OF REASON FOR PLANNING APPROVAL

##### 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

##### Informative: Northern Gas Networks

The applicant should contact Northern Gas Networks 0800 040 7766 to ensure no nearby apparatus is at risk during construction works.

##### Informative: Public Footpath

The public footpath shall remain unaffected during construction and after the completion of the development. If this footpath is to be stopped up or diverted, even if temporarily, then the applicant will need to contact the Highway Network and Flood Risk Management on 01642 526757 to carry out the correct procedures of diverting or stopping up this footpath. The grant of planning

permission does not entitle developers to obstruct a public right of way in which doing so could be subject to enforcement action.

**P 17/0224/FUL**  
**12/18 24 Forest Lane, Kirklevington, Yarm**  
**Erection of 19 residential dwellings, including new access, landscaping and infrastructure (Demolition of 24 Forest Lane).**

Consideration was given to planning application 17/0224/FUL 24 Forest Lane, Kirklevington, Yarm Erection of 19 residential dwellings, including new access, landscaping and infrastructure (Demolition of 24 Forest Lane).

Members recalled that this application was considered at the 16 August Planning Committee where Members resolved to approve planning permission subject to the applicant entering into a Section 106 Agreement and the target date for signing the agreement was recently extended to 16 August 2018 and negotiations were well advanced.

The Application was a detailed application and was approved with a number of conditions one of which was to ensure the development did not commence until the approved 'Jomast' site (15/1643/OUT) for 145 dwellings had commenced as follows:

'Work shall not commence on the hereby approved development until the first dwelling on the "Jomast/Story Homes Site" (Outline Application reference 15/1643/OUT) has commenced'.

The condition was to ensure that the daily bus service to be funded by the approved development for a 5 year period to allow sustainable transport options was secured. The bus service was considered to be an important factor when considering the sustainability of a location for residential development.

The Agreement of Members was sought for the removal of the condition preventing the commencement of the development for the 19 dwellings and the decision notice to be amended accordingly.

There were no members of the public in attendance to make representation.

Members were given the opportunity to ask questions/make comments on the application. These could be summarised as follows:

- Questions were raised in relation to the duration and frequency of the bus service.

Officers explained to Members that the bus service was currently operating as a 2 day off peak service which was run by Stockton Borough Councils Community Transport Team. The service itself was agreed as a priority scheme by the public transport forum. Several other similar services were ran across the Borough. There was a grant for the service at the moment which would be available for 3 years for this particular service and there was no indication at this time that the grant would be withdrawn.

A vote then took place and Members agreed to the removal of the condition as detailed within the report.

RESOLVED that Members agreed to the removal of the condition preventing the commencement of the development for the 19 dwellings and the decision notice to be amended accordingly.

- P**  
**13/18**
- 1. Appeal - Mr Robinson - 11 Holderness, Wynyard, TS22 5RY  
17/0737/FUL - DISMISSED**
  - 2. Appeal - Ayton Fencing - Land At Riverside Lodge, A67 From Urlay  
Nook To Airport (Southside), Eaglescliffe, TS16 0QH  
17/1312/FUL - PART ALLOWED AND PART DISMISSED AND COSTS  
DISMISSED**
  - 3. Appeal - Osbourne House Group - Playing Field South West Of Charlton  
Close, Greenwood Road, Billingham  
16/2368/OUT - DISMISSED**
  - 4. Appeal - Mr G Tyers - 122 High Street, Yarm, TS15 9AU  
16/1250/COU - DISMISSED**

The Appeals were noted.