

Planning Committee

A meeting of Planning Committee was held on Wednesday, 5th September, 2018.

Present: Cllr Norma Stephenson O.B.E(Chairman), Cllr Jean O'Donnell (Sub Cllr Mick Stoker(Vice-Chairman)), Cllr Helen Atkinson, Cllr Derrick Brown, Cllr Carol Clark, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Tony Hampton, Cllr David Harrington, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn

Officers: Simon Grundy, Stephanie Landles, Joanne Roberts, Sam Tidy (EG&DS), Julie Butcher (HR,L&C) Sarah Whaley (DCE)

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

Apologies: Cllr Mick Stoker, Cllr Marilyn Surtees,

P 35/18 Evacuation Procedure and Planning Protocol

The Chair welcomed everyone to the meeting and the evacuation procedure was noted. It was also noted that the Governance Officer would be making an audio recording of the meeting to assist in the drafting of minutes of the meeting.

P 36/18 Declarations of Interest

Councillor Norma Stephenson declared a personal non-pecuniary interest in relation to item 18/0380/VARY Stockton Sixth Form College as she had a grandchild who played football for Stockton Town Football Club.

Councillors Paul Kirton and Lynn Hall declared personal non-pecuniary interests in relation to item 18/1705/FUL Conyers School and Sixth Form College, as they both had grandchildren who attended the school.

P 37/18 18/0380/VARY Stockton Sixth Form College, Bishopton Road West, Stockton-on-Tees Section 73 application to vary condition no4 (Hours of Use) of planning approval 15/1268/FUL- Development of an artificial turf pitch with floodlighting and the inclusion of prefabricated stands, prefabricated changing room block with toilet facilities and refreshment area, technical areas with dugouts, turnstile and associated fencing and pathways.

Consideration was given to planning application 18/0380/VARY, Stockton Sixth Form College, Bishopton Road West, Stockton on Tees.

The application sought to vary condition no4 (Hours of Use). Permission was originally granted for the artificial turf pitch, floodlighting, stands, changing room and associated facilities in July 2015 subject to planning conditions (ref; 15/1268/FUL).

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 the use of the facility had already been established and could not be revisited. The considerations of the impact of the additional hour of use on weekdays had been fully considered.

In particular the Environmental Health department had considered the impacts of noise disturbance and light pollution on the neighbouring residents. However, as a result of the existing use and associated mitigation measure which were put in place to limit the impacts on surrounding residents, it was considered that an additional hour of use would not significantly alter the existing situation to such an extent that it would result in such significant harm to residents amenity that it would justify a refusal of the application.

Adequate access and parking had previously been demonstrated and these remained unchanged, therefore there were no highway safety impacts as a result of the proposals. In view of the above considerations the application was recommended for approval subject to those conditions set out within the main report.

Objectors were in attendance at the meeting and given the opportunity to make representation. Their comments could be summarised as follows:

- A local resident highlighted that she had raised concerns relating to the hours of use at the time of the original planning application in 2015 and questioned that should the football club become more successful would they require additional hours. The resident recalled that the club confirmed they would not require additional hours and that the original hours requested were more than enough and therefore was now unhappy that an application to vary had come forward.
- There were issues relating to late night noise and the effect this had on local children. Parking concerns were highlighted, particularly on Bramley Green where drives had been reportedly blocked by spectator's cars during matches.
- Reference was made to the comments made by the Chairman at the time of the Planning Committee in July 2015 where it was recalled that the Chairman had highlighted that residents deserved to have some respite from the football clubs operations and therefore a terminal hour of 8.00pm had been conditioned.
- Concerns were raised relating to the floodlights at the club shining directly into residents properties.

A representative from Stockton Town Football Club was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- The additional hour which was being requested would bring additional benefits to the local community, such as health and wellbeing and an extended use of the facility.

- Stockton Town Football Club was a volunteer not for profit led organisation which had attracted significant outside funding and had enabled the facility to go ahead. The facility required extensive ongoing maintenance which could be continued to be carried out during the additional hour. The club would have liked to of extended the hours of use to 10.00pm however were mindful of residents' concerns, therefore opted for 9.00pm.

Officers were given the opportunity to respond to comments/issues raised by Members of the Public. Their responses could be summarised as follows:

- The main objections raised related to noise and disturbance from the activities associated with the use of the pitch, however all that had been applied for was an additional hour so the football club could operate as it was as they had planning consent to do so.

- Officers reiterated that under the current planning consent, Stockton Town Football Club were still able to have use of the pitch and floodlighting until 10:00pm no more than 2 nights per week and 10:20pm should there be a cup tie. The additional hour was primarily to be rented out to three different 5 aside teams which would expect a much lower level of spectator noise. Acoustic bunding and screening had been fitted to the site. A large acoustic monitoring had been carried out on the site in 2007 and reassessed with the proposed application and was considered to be at reasonable levels. Officers also felt that the addition of the hour to 9.00pm was not unusual and was the standard for this type of pitch in other locations within Stockton.

- Where Objectors had recollected promises made by the Chairman of the Planning Committee in 2015, these were not made by Environmental Health.

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

- Questions were raised relating to highway safety and the impact the additional hour would have on the immediate road network and why the Highways Transport and Design Manager had made no objections.

- In terms of traffic it was felt that the crossroads at Bishopton Road West and Oxbridge Avenue was at full capacity. There was a supermarket, filling station, 3 schools, a sixth form college, garden centre, cricket club, ambulance station and 2 social clubs all converging on the crossroads.

- A Councillor relayed her own personal experience where she'd had to wait for two changes of the traffic lights at the Bishopton Road West junction during none peak hours at 8.30pm, before she could continue her journey, indicating that there were capacity issues in that area and requested that up to date traffic assessments be provided.

- Clarity was sought regarding the impact the Sainsbury's filling station had had on the road network as this had been implemented after the approval of the football club in 2015 and therefore any impact from the filling station in terms of traffic would not have been taken into account at that time.

- It was felt that the football club was in breach of their current conditions and

were only just now trying to legitimise staying open for an extra hour. If the proposal to vary was granted would they then breach the new condition and stay open for a further hour?

- Noise and light mitigation measures seemed to have been accepted as carried out therefore were not considered a problem, however residents were reporting it to be a problem. Clarity was sought as to what 'reassessed' meant in terms of noise disturbance.

- In terms of conditions 9 (noise modelling and mitigation) and 12 (amplified music and public address system), these still required further investigation, yet Members were expected to reach a decision whilst these investigations were still ongoing. All conditions including 9 and 12 impacted on the residential amenity and needed to be considered today.

- Clarity was sought as to the other locations within the Stockton area where similar pitches were operational until 9.00pm.

- It was felt that the noise and light pollution impacting on local residents further into the evening was totally unacceptable and up to date information in terms of monitoring this be provided.

- Officers were asked if they had a list of complaints from residents since the original planning application had been approved in 2015.

- Questions were raised as to why the initial terminal hour of 8.00pm was conditioned on the original application, and why now an additional hour was being requested at the expense of neighbour's quiet time.

Officers were given the opportunity to respond to comments/issues raised by Members. Their responses could be summarised as follows:

- Officers explained that in terms of conditions 9 and 12, 9 was a noise report which looked at a number of issues and set decibel levels acceptable to neighbouring properties, it also looked at the capacity of the stand which the club had consent for. No complaints had been received prior to the current proposal to vary however the complaints which were received coincided with the FA cup run and the attendances being reached and problems relating to noise and car parking. A noise report wasn't able to be carried out at the time of the complaints as the club had a number of away fixtures, however now the new season had commenced the noise report could go ahead during matches. Officers did feel however that this was not fair as the proposal today was for an additional hour from 8.00 until 9.00pm when the majority of matches would not be played. The additional hour was mainly for other clubs to hire the facility. Condition 12 was in relation to the tannoy system which again was associated with matches. Officer's professional opinion was that all 3 conditions could be dealt with separately and therefore was why the officers felt condition 4 could be looked at today with a recommendation to approve.

- The Environmental Health Officer explained that her research in preparation for the variation was to look at similar facilities within Stockton in residential areas, as this application to vary was not to set a precedent where there may be an influx of additional applications to vary hours of operation from other similar

premises. A similar facility existed at Conyers School in Yarm and St Patricks in Thornaby, both with floodlighting and a terminal hour of 9.00pm located within a residential area. The proposal today to approve would then bring Stockton Town Football Club in line with similar facilities.

- The initial noise report was carried out in 2016 and reassessed in 2017 and as part of the current proposal it had been readdressed again in May 2018. Officers had checked and made sure that all documentation and measurements that went with the report still stood. The noise assessment carried out when the proposed application had been made was taken with a full stadium of spectators which was considered to be worst case scenario.

- In terms of continuing to monitor noise and disturbance, Officers had looked at the clubs fixture list and there were currently only 2 planned night time events during the whole of the season, however this was already permitted in the original application of 2015. It was also reported that there had been no complaints to Environmental Health from residents regarding the day to day noise of the facility.

- In terms of highways, the application had been assessed on its own merits which was for 1 additional hour from 8.00pm until 9.00pm. Any junction assessment would ordinarily be undertaken during peak hours and professional opinion had been taken that the traffic generated by the application would not significantly harm the impact on the Junction at Bishopton Road West and Oxbridge Avenue and therefore no objection was made.

- It was explained that where there had been concerns raised by residents regarding blocked driveways during football matches, residents should contact the neighbourhood enforcement team. All contact details could be found on the Stockton Borough Council website.

- Officers explained that it was a professional opinion that the extra hour being sought would not have a severe impact on the highways around the football pitch. Transport information had not been asked to be provided for this application, however it had been provided for the original application. It was felt that it would have been disproportionate to ask the football club to instruct a transport consultant to provide that information given the additional hour of operation from 8.00pm until 9.00pm. Where clarity had been sought as to the impact of the petrol filling station on the immediate highways, this would have included all development traffic if the site was not already in operation at that time, or if it had been operational there would have been more recent surveys carried out to update the transport assessment which would have accompanied the development at that time.

- Officers confirmed that they had not received any complaints from residents in terms of noise or light since the application had been approved in July 2015.

- In terms of the reasons as to why the additional hour had been applied for, Officers explained that a number of complaints from residents had been received alleging that the operational hours were outside of those that were permitted, which was also at the same time of the clubs FA Cup run. The football club were then keen to pursue an additional hour which led to the proposed application. The reason the terminal hour had been originally

conditioned at 8.00pm in the first place was in relation to the impact on resident's amenity. Since the application had been received the extra hour had been reassessed and it was felt that there was no evidence to suggest that from a planning perspective that there would be substantial harm to residents to justify a reason to refuse the application.

A motion was proposed and seconded that the application be deferred to a future meeting of the Planning Committee when the ongoing investigations relating to conditions 9 and 12 and the alleged breach of condition 4 be concluded.

A vote took place and the motion was not carried.

A vote then took place in relation to the Officers recommendation to approve the application.

RESOLVED that 18/0380/VARY be approved subject to the following conditions and informative;

Hours of Use;

01 The Hours of use of the Artificial Turf Pitch and its associated floodlighting shall be restricted as follows;

Use of the pitch and operation of the floodlighting shall be limited to 9am to 9pm Monday to Friday and 9am to 5pm on Saturday and Sunday.

The pitch and floodlighting may be used no more than twice a week until 10pm in the case of a fixture being played by Stockton Town Football clubs first team and 10.20pm in the case of the match being played being a cup tie.

Variation of approved hours of use only;

02 Nothing in this permission other than the variation of condition No.4 (Hours of use) to allow for extended opening and use of the facility shall be construed as discharging the conditions attached to the previous permission 15/1268/FUL.

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.

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18/1705/FUL

**Conyers School and Sixth Form College, Green Lane, Yarm
Application for the erection of a new school block comprising of main hall,
a multi-purpose studio and changing facilities.**

Consideration was given to planning application 18/1705/FUL, Conyers School and Sixth Form College, Green lane, Yarm.

This application sought full planning permission for the erection of a single storey new school block comprising of main hall, a multi-purpose studio and changing facilities. The single storey building would have a flat roof of varying

heights, and be of a scale which would complement the appearance of the existing school.

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 the nature and scale of the development was considered to be acceptable and the parking provision and access was satisfactory. It was considered that the developments would not have any significant undue impact on the amenity of neighbouring occupiers and would not have a significant detrimental impact on the street scene or character of the area. The proposal was therefore considered to be in line with general planning policies set out on the Development Plan.

The application was therefore recommended for approval subject to the conditions outlined within the main report.

There were no members of the public wishing to address the committee.

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

- As the proposed application was to be available for the wider community as well as the school, concerns relating to the impact of additional traffic were raised, especially at the Kirklevington junction.
- The application was welcomed.

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

- It was explained that it would be unreasonable for the Council to expect any sort of transport assessment to be carried out by the applicant, as the use of the proposed building by the wider community was expected to be out of hours, therefore resulting in evening impact in terms of traffic. It was also highlighted that the proposed building would not increase pupil or staff numbers.

A vote took place and the application was approved.

RESOLVED that planning application 18/1705/FUL be approved subject to the following conditions and informative;

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

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

Plan Reference Number	Date on Plan
A107728-101	20 July 2018
A107728-102	20 July 2018
A107728/10320	July 2018
A107728/10420	July 2018
A107728-105	20 July 2018
A107728-106	20 July 2018
A107728-107	20 July 2018
A107728-100	20 July 2018

03 Prior to the commencement of use of the new school block building hereby approved, a plan showing the reconfigured playing pitch(es) to be set out on the playing field immediately to the south of the new school block shall be submitted to and approved by the Local Planning Authority (following consultation with Sport England). The playing pitch(es) shall be set out, in accordance with the approved plan upon the commencement of use of the new school block.

04 Notwithstanding any description, samples of the exact colour of the vertical panel cladding hereby permitted should be submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.

05 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.

06 All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

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.

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1. Appeal - Mr R Shafiq - 29 Hartburn Avenue, Stockton-On-Tees, TS18 4ES

17/2113/FUL - DISMISSED

2. Appeal - Ashley English - 9 De La Mare Drive, Billingham, TS23 3YT

17/1118/RET - DISMISSED

3. Appeal - Mr Thomas Andrew - The Carrs Angling Lakes, Letch Lane, Carlton, TS21 1ED

17/2636/REV - ALLOWED WITH CONDITIONS - 17/2032/OUT - ALLOWED WITH CONDITIONS

4. Appeal - Wyns Tavern - Former Post Office, 7 High Street, Norton

17/0836/COU - COSTS DECISION DISMISSED

Officers drew Members attention to Appeal Ref: APP/H0738/W/17/3185336 Old Post Office, 7 High Street, Norton, Stockton on Tees TS20 1AH, where an appeal application for costs had been made by Wyns Taverns against Stockton-On-Tees Borough Council.

Although an appeal against the Council had been allowed by the Planning Inspector against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use of ground floor former Post Office, 7 High Street, Norton, Stockton on Tees TS20 1AH and Convenience Store (A1 premises) to proposed bar and restaurant (A3 / A4), the Planning Inspector had not allowed an appeal against the Council for costs.

The Appeals were noted.