

PLANNING COMMITTEE

Wednesday 29 October 2008

A decision on this application was made at the 2 August 2006 meeting. The application was originally reported as the applicant is a Member of the Council and the Parish Council had at that time raised an objection.

Members should be clear that the principle of granting planning permission has been agreed at their meeting on 2 August 2006; this report merely seeks to revise the position with regard to the wording of Condition A.

STANTON & STREATLAM - 6/2005/0488/DM

THE SITE: Streatlam Farm, Stainton (o/s Fields ref 5654, 6557, 8057, 8076, 9974, 1573, 1180, 0787, 8076, 7797, 9797, 8412, 9513 & 8827)



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THE PROPOSAL: Use of land as 'Show Field' for up to 56 days per year

OFFICER REPORT:

Background

The Planning Committee of 2 August 2006, resolved to grant conditional planning permission for this proposal subject to the owners entering into a s.106 Planning Obligation Agreement. Negotiations on the terms of the Agreement have been ongoing

with the Council's and Applicant's legal advisors and we are now in a position where the terms of the document have been agreed in principle.

The reason for referring this matter back to members is to seek authority to amend Condition A of the 2006 Resolution (to grant planning permission subject to the Applicant entering into a s.106 Agreement) and to include additional provision in the agreement in relation to outdoor music for the showground rides and stalls etc.

Original proposal for s.106 Agreement

The following is an extract of Condition A of the Resolution of 2 August 2006, the section highlighted in bold is that which authorisation is sought to amend/expand upon.

- A. The satisfactory completion of a Section 106 Agreement to include the following provisions:

The limiting of the use of the site to 56 non-agricultural days; the limiting of the type of events that may take place on the land to agricultural, animal, rural life, and vehicle displays and the exclusion of the holding of car boot sales, pop concerts, motor racing, retail markets, camping and caravanning rallies; that the access is constructed and operated as approved; that the overflow car park is not used until the main car park is full with a minimum of 1,200 motorised vehicles; that the landscaping is carried out and maintained; that permanent and portable public address systems are controlled; **that no amplified music shall be broadcast on site other than within a licensed music marquee**; that sound levels on the boundary of the site will not exceed 55 dB(A) on the nearest boundary with any noise sensitive neighbour or 10dB(A) above ambient, which ever is the lower; that flood lighting is controlled; and the permitted development rights to use the land outside of the 56 days for temporary uses is removed.

Current proposed wording of s.106 Agreement

The following is an extract of the draft s.106 Agreement, which the parties to the draft agreement have agreed in principle. The wording of clause 6 of the Agreement includes additional provision for the playing of amplified music (shown highlighted in bold) and the consequence of adding this into the s.106 Agreement is that Condition A of the Resolution of the committee would have to be amended to mirror this provision:

- “5. Not to operate the Site at any time in such a manner that
(a) the sound levels measured on the boundary of the Site with the nearest private dwelling exceed 55 decibels dB(A) or
(b) the ambient noise exceeds 10 decibels dB(A)
6. Subject always to the limitation in clause 5 hereof not to play or permit the playing of amplified music on the Site other than in a marquee which is licensed for parties meetings or similar gatherings **and or ancillary to individual fairground rides, and or other show events.**”

Authorisation is therefore sought from Members to approve the amendment to Condition A as detailed below and for the inclusion of this provision within Clause 6 of the s.106 Planning Obligation Agreement.

Proposed amendment to Condition A of planning permission 6/2005/0488/DM:

- A. The satisfactory completion of a Section 106 Agreement to include the following provisions:

The limiting of the use of the site to 56 non-agricultural days; the limiting of the type of events that may take place on the land to agricultural, animal, rural life, and vehicle displays and the exclusion of the holding of car boot sales, pop concerts, motor racing, retail markets, camping and caravanning rallies; that the access is constructed and operated as approved; that the overflow car park is not used until the main car park is full with a minimum of 1,200 motorised vehicles; that the landscaping is carried out and maintained; that permanent and portable public address systems are controlled; **that no amplified music shall be broadcast on site other than in a marquee which is licensed for parties meetings or similar gatherings and or ancillary to individual fairground rides, and or other show events**; that sound levels on the boundary of the site will not exceed 55 dB(A) on the nearest boundary with any noise sensitive neighbour or 10dB(A) above ambient, whichever is the lower; that flood lighting is controlled; and the permitted development rights to use the land outside of the 56 days for temporary uses is removed.

RECOMMENDATION

That Members approve the revised provisions of Condition A of the grant of planning permission 6/2005/0488/DM with regard to the terms and conditions of the corresponding s.106 Planning Obligation Agreement for the change of use of the land at Streatlam Farm, Stainton to a "Showfield" on 56 days of each calendar year, to allow for amplified music to be used on fairground rides and/or other show events.