

DELEGATED

AGENDA NO
PLANNING COMMITTEE

5 FEBRUARY 2014

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

13/3088/COU

Land South Of Springfield Stud, Wynyard Road, Thorpe Thewles

Proposed change of use from stables to luxury boarding kennels for dogs, dog grooming, home breeding and doggy day care service and siting of residential static caravan for five years

Expiry Date 10 February 2014

SUMMARY

The application site is located to the north of Stockton and lies outside of the defined village limits of Thorpe Thewles. The site sits to the east the junction of the southbound approach of the A177 with Wynyard Road which runs towards Billingham and Wolviston.

Planning permission has previously been granted on the site for the erection of a stable block and installation of septic tank. However, development has not proceeded in accordance with these approved plans. This application therefore seeks to regularise the works carried out on site, along with the proposed change of use of the stable building to a dog boarding kennel (and associated activities) and the siting of a temporary static caravan.

The principle of the development of an animal boarding kennel and associated activities in this location is considered to be acceptable, given that the associated activity and noise in close proximity to established residential areas would not be compatible. Furthermore in view of licensing requirements, the proposal is considered to justify the need for residential accommodation of the site for a temporary period. However, controls are proposed to link the residential use to the proposed kennel business, both for a temporary time limit and also to ensure the two elements remain as one planning unit, which would require the cessation of the residential use and removal of the caravan should the business cease to operate.

The application comes before the Planning Committee for determination due to the number of objections that have been received.

RECOMMENDATION

That planning application 13/3088/COU be approved subject to the following conditions and informative;

Approved Plans;

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
1515-02	16 December 2013
1515/3 Rev X	16 December 2013
1515/5 Rev X	27 January 2014
SBC001	27 January 2014

Plan Reference Number Date on Plan

Reason: To define the consent.

Restriction of residential use

02 The occupation of the dwelling (caravan) shall be limited to a person(s) solely or mainly working within the hereby approved commercial boarding kennels.

Reason: To define the consent.

Temporary residential use:

03 The occupation of the residential caravan is granted for a temporary period of 3 years from the date hereof, or if the commercial boarding kennel ceases to operate (whichever is the sooner) at which time the caravan shall be removed and the land reinstated to its former condition, unless the renewal of consent is sought and granted the building hereby approved shall be removed and the land reinstated to its former condition.

Reason: To define the consent.

Soft landscaping works:

04 detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Landscape Maintenance:

05 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

External lighting:

06 Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority

and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area

Waste management;

- 07** ***Notwithstanding any information contained within this application full details of the management of associated waste materials shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied. The agreed management plan shall be implemented in accordance with the agreed details.***

Reason: To ensure a satisfactory form of development.

Hours of opening to public;

- 08** ***The hereby approved boarding kennel shall not be open for use outside of the hours of 0800 to 1800 hours Monday to Sunday.***

Reason: In the interests of the amenity of the neighbouring occupiers.

Maintenance of visibility splays;

- 09** ***No structures or planting exceeding 0.6 metres in height shall be placed within the visibility splays.***

Reason; In the interests of highway safety.

Restriction – Number of commercial kennels;

- 10** ***Notwithstanding the information supplied as part of this application, the hereby approved boarding kennel shall be limited to a maximum of 8 commercial kennels.***

Reason; To control the overall level of movements and activity in/out of the site, in the interests of highway safety.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

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

BACKGROUND

1. There has been one previous application for the site. This sought approval of a stable block and installation of septic tank and was approved in July 2009 (planning ref 08/0219/FUL). Planning conditions were also discharged in relation to the finishing materials and means of enclosure whilst they were partially discharged in relation to soft landscaping details (planning ref; 12/0378/APC).

SITE AND SURROUNDINGS

2. The application site is located to the north of Stockton and lies outside of the defined village limits of Thorpe Thewles. The site sits to the east the junction of the southbound approach to Stockton of the A177 with Wynyard Road which runs towards Billingham and Wolviston.
3. The site is roughly triangular in shape and has few landscaping features, save for several trees adjacent to Wynyard Road. It has recently been re-levelled and re-seeded. To the north lies the old Wynyard Road with agricultural fields and Wynyard Woodland Park beyond. The remaining

surrounding land is predominately agricultural land with a rolling character. However, to the north the land rises quite steeply. To the west lies Thorpe Thewles Village.

PROPOSAL

4. Planning permission is sought for a change of use from stables to dog boarding kennels. The application also seeks permission for the siting of a residential static caravan for five years. The proposal will involve the relocation of the an existing business from Trimdon Grange and will include activities such as dog grooming, dog siting and overnight service, dog walking, holiday home for Dogs and small animals and a dog day care service.
5. However, Members may wish to note that some of what is sought is retrospective. Alterations have been made to the stable building that is not in accordance with the previously approved plans and the caravan has been placed on the site.

CONSULTATIONS

6. The following consultees were notified and any comments received are set out below:-

Head of Technical Services

General Summary

Subject to the comments below the Head of Technical Services has no objections to this application.

Highways Comments

This proposal is for 8 commercial kennels, 3 private kennels, dog grooming and associated residential caravan. The site is served by an existing access which has visibility splays of 3m x 130m to the right and 3m x 215m to the left. It should be conditioned that the visibility splays are maintained free of obstructions above 0.6m. There have been no reported injury accidents between the junction of Wynyard Road/A177 and the site access in the last 3 years.

In accordance with SPD3: Parking Provision for Developments 2011, 2 incurtilage car parking spaces should be provided; 9 spaces are available within the site which leaves 7 spaces for visitors.

It is understood that the existing wooden fence is to be relocated out of the adopted highway.

It is considered that subject to a condition limiting the number of commercial kennels to 8, this proposal will not create a highway safety concern and there are no highway objections.

Landscape & Visual Comments

There are no landscape and visual objections to the change of use. As per previous correspondence for the stable application, the hedge at this location should be agricultural in nature to suit the adjacent field boundaries, and mainly a hawthorn hedge with associated native species. We would envisage a mix of 80-85% native hawthorn with the remaining 15-20% made up of a mix of other native species such as native Blackthorn, Hazel, Field Maple, Holly and/or Field Rose. Hedgerow trees of native species should also be planted in the hedge to help screen/soften the development and we recommended a spacing of around 10 metres – suitable trees species could be native Birch, Cherry, Rowan, or Oak. Rabbit guards are recommended for this site to protect all planting during the establishment phase. Similar planting should be provided next to the caravan in terms of the hedge, but it is felt tree planting would not be appropriate here due to the proximity of the caravan to the proposed hedge.

The site plan dwg. ref 1515/02 shows a 1 m high chain link fence located next to the proposed hedge. Subject to the approval of a detailed design there would not be an objection to this

provided this fence is located behind this hedge. It is understood that the existing timber fence is located on highway verge and will need to be moved back into the site. A revised plan should be submitted showing how the new location of the new fence line and hedge relates to the existing trees on site. There would not be a visual objection to the retention of the timber fence being retained in front of the proposed hedge.

A high close board timber fence (approx. 2 m high) has been erected to the rear (north) of the existing building alongside the old route of Wynyard Road. This fence is visually prominent and should be screened with a native hawthorn mix as per the general specification mentioned above.

Environmental Health Unit

I have no objection in principle to the development, and would not advise conditions be imposed on the development. I do however have some concerns and would advise the following points are addressed before the proposal is approved. Additionally, as animal breeding and boarding establishments requires licensing with the Local Authority, I would recommend the applicant seeks the advice of the Licensing Department within Stockton Borough Council regarding the conditions, exercise facilities and number of dogs permitted within the establishment prior to any building work commencing.

Kennel sizes:

The inner and outer kennels ought to meet the required space standards as laid down in the Model Licence Conditions & Guidance for Dog Boarding Establishment's made under the Animal Boarding Establishments Act 1963.

Home Boarding:

Documentation mentions home boarding, which if continued will require additional licence again to set licence conditions.

On-site supervision:

Temporary permission for caravan for 5 years ' what will happen after this period when on-site 24 hr. supervision will be required as per above model licence conditions.

Car Parking:

No on site car parking is shown. Although applicant describes picking up peoples pets these type of establishments don't normally work like this and there will be steady flow of traffic from clients dropping off dogs and collecting them, especially if they provide dog day care i.e. 8am & 5pm.

Waste disposal:

The applicant ought to dispose of any dog fouling appropriately by bagging the waste product, disposing of it in an appropriate sealed container and arrange for a licensed waste contractor to collect and dispose of the waste.

Grindon Parish Council

Following extensive discussions, Grindon Parish Council wish to object to the above application on the following grounds:-

Planning Permission was given for the construction of this building under 08/0219/FUL. We are informed by SBC that the building which exists at this time fails to conform to the plans which were originally approved.

Highways are of the opinion that the fence which has been built facing Wynyard Road encroaches considerably upon the grass verge between the property and Wynyard Road. The position of the solid fence which faces to the rear of the property is also in dispute.

Perhaps it would be advisable to ensure that the current building, and surrounding areas, conforms to the original application before considering a change of use to it.
Practical Objections to the Change of Use as presented.

LICENCE FROM SBC ANIMAL HEALTH:

The proposed change of use will require a licence to enable certain of the proposed activities to lawfully take place. The applicant seeks approval for an onsite caravan stating that in his opinion this is necessary to effectively run this proposed operation. We would suggest that the more reasonable course of action would be to obtain the required licence before a change of use application was made as there is no certainty that such a licence will be granted. If the applicant is unsuccessful then there will not be a requirement for a residential caravan onsite. The Parish Council requests that, if you are so minded as to grant this application, that planning permission for the static caravan shall be conditional upon a valid licence for the kennels being granted by SBC Animal Health.

PLANNING HISTORY OF SPRINGFIELD STUD (directly to the north of this site):

Members will be aware of the planning history of Springfield Stud which is situated metres away from the applicant's site. A number of unauthorised construction projects took place and a residential caravan was placed on site, and lived in. The then owners were told to either formally apply for Planning Permission or face Enforcement Action to stop these breaches. A Planning Application was made in January 2008 under 08/0073/FUL. This application was subsequently refused. The then owner appealed this decision. The Planning Inspector upheld the refusal by SBC and the offending caravan and buildings were removed from site. Colleagues will wish to read these reports which directly mirror the current application and the reasons given by SBC for their refusal, including the bundle of documents submitted to the appeal inspector.

NOISE:

The building is of single breeze brick construction and the applicant is aware that there may be some noise from barking dogs. This is unacceptable for residents living on the opposite side of the nearby carriageway.

ELECTRICITY SUPPLY TO THE SITE:

The applicant informed the Parish Council that electricity is now available at the site having run cables to it from somewhere within Wynyard Woodland Park. The Parish Council have concerns about the illuminations from these internal and external lights which will cause a distraction to road users on this already busy and dangerous road, as well as causing difficulties for the planetarium which is very close to the site in question.

PARKING:

Customers will be delivering and collecting their animals from the proposed facility yet the applicant has failed to state how many off road parking spaces will be provided. How many daily vehicle movements are projected to and from this site if approval is given? What are the proposed opening days and times? The existing entrance and single width roadway was designed and approved for private use and is not suitable for heavy commercial business use. Will customers be expected to park on Wynyard Road?

SIGNAGE:

Any successful business will require external signage. Firstly to show existing customers where the services are situated and secondly to advertise the services available. No application has been included in this Change of Use Application for signage of any kind. Should the signage application also be included?

I should be grateful if you would take the Parish Council's views into consideration when making a decision in relation to this planning application.

PUBLICITY

7. Neighbours were notified and comments received are set out below :-

Dr Ed Restall - Wynyard Planetarium Wynyard Woodland Park

This development is right next to the busy Wynyard Woodland Park and it represents a significant intensification of use & commercialisation compared to existing approval.

I would particularly like to object on the grounds of light pollution right next to the darkest site in the Borough of Stockton, which is why the Planetarium & Observatory are located here. The proposal implies that the site will be occupied round the clock and security lighting will be employed. Both of these will have a significant impact upon the immediate environment for both astronomy purposes and the park as a whole.

Dr Shlok Balupuri - 47 Maynard Grove Wynyard

Thanks for giving me the opportunity to comment on this application.

Firstly I would just like to say I have been using Ellehcim Pace Your Pooch for some time now, I can not fault Ashley for the hard work she puts in to her business, I started of using Ashley's doggy day care service, the service she offers is great, I personally make use of the pick up and drop of service as it's easier for me whilst working long hours. I use the home boarding service quite often when travelling abroad and regular business meetings away from home.

Ashley has explained to me that she is trying to re locate her business in Thorpe Thewles, the application site is very close to me and I travel past the application site on a regular basis.

What I have noticed over the past 8 months is that the application site has come from being an overgrown bit of land to a beautiful presented building with newly lawned paddocks, the new fences that have been erected along with the green grass give a beautiful appearance back to this plot which what was some old scruffy looking plot.

I have no doubt Ashley will make a successful business from this application site, as she has been so dedicated to meeting mine and my dogs needs over the last year.

Having read other comments that are being made on the website that refer to the mobile home, I will make it clear I would be more worried if it was a gypsy type touring caravan in terms of appearance, however I feel this type of home that is now at the application site, does look more suitable in the countryside.

I wish Mr & Mrs Hedley every success with their application and look forward to seeing this business a great success.

Mr Steve Featherstone - Blakeston Lodge Blakeston Lane

I object to this proposal for change of use as noted below:-

1. The existing building was constructed for use as non-commercial stables and this proposal is for a significant change of use to commercial premises. The building was erected earlier this year but still has not been completed. I note from the application that no work for this proposal has been carried out. This is incorrect as the building has increased in size already without planning permission with the roof overhang to front elevation been bricked up to increase the overall size of the building. Additionally a static caravan has already been placed on site and connected up to services.

2. There would be an impact of additional traffic to and from the site at a time when traffic is at its heaviest along the Wynyard Road, that is early morning and at an evening. Part of this application refers to dog day care, therefore people using this service will drop off before going to work and pick up after work. As there is insufficient off road parking in relation to the size of the proposed development vehicles would end up parking along the roadside which is unlit. This would be problematic at rush hour and when it is dark and would be an unwelcomed

additional hazard to what already is a very busy and dangerous road. The speed limit in this area is 60mph.

3. A proposal of this nature would have a detrimental effect to the area. As part of this plan is for a Luxury Boarding kennels there would a significant increase in noise pollution to the nearby village of Thorpe Thewles at all hours of the day and night as there are outside exercise runs. Additionally the building is only single skin and therefore not sound proofed. The application also states security lightning. As this development is close to the Wynyard Observatory and would have to be well lit up there could be additional light pollution to a dark sky area.

4. With regard to the submitted drawings with this proposal, there is going to be a significant increase in floor area to this development. A set of outside runs to rear elevation is shown, however there is not enough room in this location as a high fence has already been erected adjacent to the rear elevation and this the boundary line

5. The proposed plans and existing building do not meet the exacting standards required to construct and maintain to the guidelines as laid down in the Boarding Establishment Act 1963. The planning Authority should seek guidance from Stockton Council Licensing Department with regards to the model conditions.

In the current form the proposal should not be accepted as an inspection prior to licensing would deem a license could not be given and it is illegal to operate without a license. There is no mention of seeking advice regarding this on the application which if this proposal is genuine would have been the first port of call.

6. The siting of the aforementioned static residential caravan should also be refused. As current planning legislation does not cover the parking of a residential caravan, the rules do state that as long as it is not going to be used for permanent accommodation. However, there are already cases in the locality where this has happened and the chance for this to happen again should be discouraged. If the boarding kennels were passed somebody would have to live on site as part of the license and hence this would then be permanent accommodation. If the boarding side of the application were to be refused the caravan would not be necessary as there is ample room within the confines of the existing building to relocate an office for dog grooming.

7. The proposal states that the caravan should be sited for five years. There is no mention of what happens after that. Additionally should the business fail or cease trading within five years what happens to the site then.

RJ and CE Kay - 1 Wynyard Road Thorpe Thewles (In summary)

Lived in Thorpe Thewles for 50 years, there has never been a building on the land and the current construction has never been occupied by horses. Object to the development due to the noisy kennels being so close to the village.

Dr John Tait - 8 Durham Road Thorpe Thewles

The existing development has yet to be brought into use, so far as I am aware.

The entrance is on a road with a 60 mph speed limit very close to a junction which has been an accident black spot in the past. The road, though minor, carries quite heavy traffic at some times during the day since it is used as a rat run between North West Stockton, Darlington, Newton Aycliffe areas and Seal Sands/Hartlepool. Until the existing development is brought into use it is hard to judge whether the existing provision is safe.

It is therefore very difficult to assess the effect this change of use will have at this stage.

Further the proposal seems to imply a significant intensification of use of the site, compared to the existing approved use.

Phillipa Cooper - 24 North Close Thorpe Thewles (in summary)

1. This is a dangerous corner to have cars stopping on the road

2. Local residents have had similar planning applications refuse in the past. Seems perverse to pass for people who are not local.

Mr Gary Thompson - 14 West End

Many thanks for opportunity to support this application. As a user of specialist dogs services the design, layout and access for this service is in my view most appropriate.

It both supports local business development and provides a accessible and safe service both close to my home and place of employment for me to access a service much in demand.

Therefore I would support this application.

Many thanks.

Miss M Wilkinson - 37 Front Street South Trimdon Village

I am a regular user of the applicants current dog grooming and dog sitting service and cannot fault her professionalism and commitment to her business. I think this planning application would be a huge benefit to the local area and, teamed the applicants passion and genuine love of all animals, would be a great success.

Mr David Broadbent - Springfield Stud Wynyard Road

I Support Mr.Hedley's proposed plans. This will bring new business to the area. The site has already been nicely transformed from an overgrown piece of scrubland to an attractive road side development which fits in well to the environment.

I have noticed the siting of the static caravan and have no objections to this as it is well appointed and is not obtrusive in any way it will also add to the security of the area if people are living on-site. We have had many problems with break-ins and thieving from our property and having Mr and Mrs Hedley next door will be very welcome news.

Brining new business to the Thorpe Thewles area should be a priority of the Parish Council instead of objecting to every proposal put forward to them. I therefore strongly support Mr Hedley's Application.

PLANNING POLICY

8. 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.
9. 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
10. The following planning policies are considered to be relevant to the consideration of this application:-

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

1. 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.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

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

8. Additionally, in designing new development, proposals will:

- _ 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;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ 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;
- _ 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.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

National Planning Policy Framework

11. 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;

12. 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.
13. The sections of the NPPF relevant to the determination of this application include;
- Section 1. Building a strong, competitive economy
 - Section 3. Supporting a prosperous rural economy
 - Section 4. Promoting sustainable transport
 - Section 6. Delivering a wide choice of high quality homes
 - Section 7. Requiring good design
 - Section 8. Promoting healthy communities
 - Section 10. Meeting the challenge of climate change, flooding and coastal change
 - Section 11. Conserving and enhancing the natural environment

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations are the principle of the development, the impact on the appearance and character of the area, the impact on privacy and amenity and highway safety and any other matters arising out of consultation.

Principle of the development;

15. The application site is located to the north of Stockton and lies outside of the defined 'Limits to Development' as set out in the adopted Stockton-on-Tees Local Plan. Saved Local Plan Policy EN13 seeks to strictly control development, with development being restricted to those for farming or forestry; the diversification of the rural economy; sport and recreation or small scale tourist facilities. In addition policy CS10 seeks to preserve the quality of the environment.
16. In terms of the National Planning Policy Framework, it is supportive of economic growth in rural areas which will create jobs and prosperity. To meet this aim it strongly encourages support for; the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; the diversification of agricultural and other land-based rural businesses; support for rural tourism and leisure developments which respect the character of the countryside; and retention and development of local services and community facilities. The proposal would therefore meet with this aim of the NPPF, in that it would serve the re-location and expansion of an existing business, allow for the re-use an existing building and generate a small degree of employment within the rural economy.
17. The proposed building was originally intended as a stable, its construction has not proceeded in line with the approved plans and the current application seeks to rectify these changes as well as establish a new enterprise on the site. The re-use of the building and support for rural diversification are therefore consistent with these aims of the NPPF. Given, the potential for noise and disturbance associated with the animal care use, its location outside of the main residential area of Thorpe Thewles village is also considered to be appropriate for an animal care related enterprise. Whilst comments relating to the proposed operation requiring a site license are noted, this is a separate requirement from planning permission. This will require the applicant to meet with those standards set out within the Model Licence Conditions & Guidance for Dog Boarding Establishment's under the Animal Boarding Establishments Act 1963. One of those requirements is however, that there is on-site 24hr supervision.
18. In terms of new dwellings within the countryside, paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes should be avoided, unless there are special circumstances. It considers these would include the essential need of a rural worker; where it would preserve/secure the future of a heritage asset; where the development would re-use redundant or disused buildings; or, be of an exceptional design quality or innovative nature. As the NPPF does not provide any specific guidance or 'tests' regarding the essential need of a rural worker, it is

considered prudent to follow those established tests set out in earlier planning policy guidance, Annex A of Planning Policy Statement 7.

19. Given that the proposal would involve the relocation of an existing small scale business and creation of a new residential unit, it is considered that a caravan of other temporary structure would be in line with this guidance and is therefore appropriate for a three years period. However, it must also meet other tests, these are; that there is a firm intention and ability to develop the enterprise; that there is a functional need; there is evidence the enterprise has been planned on a sound financial basis; the functional need could not be fulfilled by another existing dwelling or any other existing accommodation in the area; and, other normal planning requirements are satisfied. Each of these elements will be assessed in turn;

Clear evidence of a firm intention and ability to develop the enterprise concerned;

20. The applicant has indicated that agreement has been reached to purchase the land subject to planning approval being granted. Furthermore accounts for the existing business along with a business plan for the next 5 years have been submitted (although these remain confidential) which demonstrate that there is an intention to develop and grow the proposed enterprise.

Functional/essential need to be on the site;

21. A functional test establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such examples are generally associated with essential care at short notice and to deal quickly with emergencies. Part of the licence for animal boarding establishments requires that there is 24hr care on site, consequently it is considered that the functional need for one worker to be on site 24hrs a day is met.

Clear evidence that the proposed enterprise has been planned on a sound financial basis;

22. The application has been supported with accounts for the existing business and a business plan based around the proposed business on this site. The existing accounts show the business having made a small loss in the first year, then grew and made a small profit in the second year of trading (2013). The proposed business plan sets out growth from the end of the financial year 2015 up to 2019, with the overall level of profit continuing to grow year on year to a relatively substantial level in 2019. All costs and income streams are considered to be reasonable and therefore there is no evidence before the Local Authority to suggest that the business has not been planned on a sound financial basis.

The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available

23. There are no other dwellings or suitable buildings/structures on the site that could accommodate a temporary residential use. The licencing requirements of the boarding kennels also require a person to be present to 'exercise supervision and deal with emergencies whenever dogs are boarded at the premises'. Consequently it is reasonable to rule out other accommodation that may be available in the locality as the licensing requirements could not be met.

24. Given the above the proposal is considered to justify permission of a residential caravan for a temporary period of three years, after which the caravan must be removed or earlier if the associated business ceases to operate. In order to justify a permanent residential dwelling on site, it must be linked to the associated animal care business and meet with the relevant planning tests at that time.

25. The principle of the development of an animal boarding kennel in this location is therefore considered to be acceptable, given it would not be appropriate to have the associated activity and noise in close proximity to established residential areas. Furthermore in view of licensing requirements and the considered relevant tests guidance which are set out in Annex A of PPS7

which has been withdrawn by Central Government and not yet replaced, the proposal is considered to justify the need for residential accommodation, for a temporary period. In order to ensure that any accommodation is linked solely to the proposed kennel business planning conditions are recommended to control both the temporary time limit and also to ensure the two elements remain as one planning unit, which would require the cessation of the residential use and removal of the caravan should the business cease to operate. The principle of development is therefore considered to be acceptable, subject to the material planning consideration set out within this report.

Impact on the appearance and character of the area

26. Although the site is located at a visually prominent position it is seen against a wooded backdrop and the rising land to the north and west. Wider views of the site are limited by existing vegetation and the site remains most prominent during the winter months. The position of the stables at the rear of the site has previously been agreed and was considered to be acceptable given the backdrop of the existing planting to the north and west. The alterations to the previously permitted building are considered to be minimal in terms of its visual impact and maintain an agricultural/industrial feel rather than a domestic one.
27. The siting of the caravan has a visual impact on the site. However, the applicant has sought to minimise these impacts by proposing screening via fencing and hedging. Given that there is a functional need for the caravan it is considered that appropriate screening would help to limit the visual impact of the caravan and consequently such arrangements would be considered acceptable in the short term.
28. The Council's Landscape Architect has no landscape and visual objections to the change of use, subject to appropriate planning arrangements. These would include appropriate hedging of a mainly hawthorn hedge with associated native species. Revised plans have been submitted setting out this detail and a planning condition is recommended to secure the final details for this planting.

Impact on privacy and amenity

29. The application site is not close to any residential properties, the nearest dwellings being in Thorpe Thewles on the other side of the A177, which are in excess of 150m from the site and proposed kennels. The changes to the building will therefore not have any significant impacts on the amenity of these residents. Whilst it is accepted that a degree of noise and disturbance could be expected with the proposed dog kennels and associated care, it is considered that the separation distances and intervening A177 would help to limit any associated noise impacts. In the absence of any information to the contrary from the Council's Environmental Health Officers, it is therefore considered that there will be no significant noise disturbance that would justify a refusal of the application.
30. Given the proposed siting of the residential caravan, its scale and the separation distances to the surrounding residential properties, it is not considered that there will be any significant impacts on existing resident's levels of amenity in terms of loss of daylight, privacy or by appearing overbearing.

Highway Safety

31. The Head of Technical Services has considered the proposed development and considers that the access arrangements are acceptable subject to a condition to ensure that the visibility splays are maintained free of obstructions above 0.6m and that the number of commercial kennels are restricted to eight. Both of these elements can be controlled via planning conditions.
32. Whilst the comments from Grindon Parish Council regarding the parking arrangements for the site are noted, nine spaces are available within the site which with the requirement of two

spaces for the development, leaves a total of 7 spaces for visitors. Sufficient in curtilage parking is therefore considered to be provided.

33. Given the above and in the absence of any objections from the Head of Technical Services, it is not considered that the proposed development poses any significant threat to highway safety.

Residual matters;

34. Comments in relation to Springfield Stud to the north are noted. The application sought retrospectively to establish a horse breeding business and static caravan for residential purposes along with the erection of new barn. The Council refused the application on two grounds, the first being that insufficient evidence was provided to justify the development in the open countryside given the information did not show there was a viable business or that a dwelling on the holding was essential. The second reason was based around the impact on the character and appearance of the surrounding countryside. In this appeal decision the inspector took the view that there was no functional need to care for the horses and that the business was not planned on a sound financial basis. He did not however, agree that there would be any adverse impacts on the character of the area. Although there may be similarities with the fact that the scheme currently before Members and that at Springfield Stud proposed a business with associated residential caravan, in this instance the supporting information and justification are considered to demonstrate that there is both a functional need to be on site (given the licensing requirements) and also that the existing business is planned on a sound financial basis which through the submitted business plan demonstrates that over time there would result in a relatively profitable business. These differences are sufficient enough to meet with policy requirements and enable a different decision to be made.

Residual matters:

35. Concerns raised by Grindon Parish Council regarding future signage are noted, however, such matters do not fall under consideration as part of this planning application as certain advertisements and signage would require separate approval under require the relevant advertisement control regulations.
36. Concerns regarding the electricity supply and any associated lighting are noted, particularly with regarding to the planetarium. A planning condition is recommended to ensure that details of any lighting (including security lighting) are first submitted for approval to ensure appropriate screening and minimise light spillage.
37. The supporting comments of the application are noted, however, the material planning considerations of the application remain as set out in this report. The scheme has been considered against these and is judged as being acceptable in its own right.

CONCLUSION

38. Given the above considerations the principle of the development of an animal boarding kennel in this location is acceptable and accords with planning policies subject to it being for a temporary period and being linking solely to the boarding kennel business. It is also considered that there would be limited harm to the visual amenity of the locality, residential amenity or highway safety.
39. Consequently the proposed development is considered to accord with the relevant planning policies and is recommended for approval subject to the planning conditions set out within this report.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

**Ward Northern Parishes
Ward Councillor Councillor J Gardiner**

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act and planning obligations as set out in the report.

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers.

Stockton on Tees Core Strategy
Stockton on Tees Local Plan
National Planning Policy Framework (NPPF)
Planning Application 08/0219/FUL