

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
4th May 2016
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

16/0149/RET

Springfield Stud, Wynyard Road, Thorpe Thewles

Retrospective application for single storey extension to form dog breeding kennels and runs (9 in total), conversion of existing stables to provide ancillary managers accommodation, single storey extension to the rear of the existing store/barn to form 5 private stables, erection of an isolation unit and installation of a hardstanding area.

Proposed extension to side to provide breeding kennels (additional 8 kennels and runs) and alterations to widen the existing access and provide car parking.

Expiry Date: 4 May 2016

SUMMARY

The application site is located to the north of Stockton and lies outside of the defined village limits of Thorpe Thewles. The site is accessed from Wynyard Road close to the junction with the A177 bypass. The land is set at higher ground level in relation to the adjacent highway.

Retrospective planning permission is sought for a single storey extension to form dog breeding kennels and runs (9 in total), conversion of existing stables to provide ancillary managers accommodation, single storey extension to the rear of the existing store/barn to form 5 private stables, erection of an isolation unit and installation of a hardstanding area. In addition full planning permission is sought for an extension to provide breeding kennels (additional 8 kennels and runs) and alterations to widen the existing access and provide car parking.

8 letters of objection from neighbours and 1 letter from Grindon Parish Council have been received in relation to the application. 2 letters of support have also been received.

The principle of the development of an animal breeding kennels 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 the advice given by the Veterinarian employed by the Council for animal registration and licensing matters and licensing requirements, the proposal is considered to justify the need for temporary residential accommodation on the site whilst the business is established.

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 revert the building back to stables should the business cease to operate. The new stables on site are also to be conditioned to remain as a private use.

RECOMMENDATION

That planning application 16/0149/RET be approved subject to the following conditions and informatives;

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan(s);
Plan Reference Number Date on Plan
SBC0001a 23 March 2016

7A	23 March 2016
1	15 February 2016
2	15 February 2016
3	4 February 2016
4	4 February 2016
5	4 February 2016
6	19 January 2016

Reason: To define the consent.

Restriction of use

02 The kennels hereby approved shall only be used for breeding of dogs and shall be operated in accordance with the information received on the 23 Mar 2016.

Reason: In the interests of residential amenity and potential noise disturbance.

Restriction of residential use

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

Reason: To define the consent.

Temporary residential use

03 The occupation of the Managers Accommodation is granted for a temporary period of 3 years from the date hereof, or if the commercial breeding kennel ceases to operate (whichever is the sooner) at which time the use shall cease and the building be reinstated to its former condition as a stable block, unless the renewal of consent is sought and approved.

Reason: To define the consent.

Restriction – Number of commercial kennels;

04 Notwithstanding the information supplied as part of this application, the hereby approved breeding kennels shall be limited to a maximum of 28 adult dogs and 40 puppies at any one time (including any dogs personally owned by the applicant).

Reason: To control the overall level of activity at the site, in the interests of residential amenity and potential noise disturbance.

Restriction on Stables

05 The stables hereby permitted shall be used solely for the private stabling of horses and shall not be used for any commercial purpose at any time.

Reason: To define the consent.

Materials

06 The materials to be used for the built development hereby permitted shall be as detailed on the approved plans. No other materials shall be used except with the prior written approval of the local planning authority.

Reason: In the interests of visual amenity of the area.

Maintenance of visibility splays;

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

Reason: In the interests of highway safety.

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: Widening of the access

The applicant should contact Care for Your Area (01642 391959) regarding widening the access.

Informative 3: Application for future consents

Should a further application be submitted for the renewal of consent or permanent residential use; the application should be accompanied with full detailed accounts; receipts and supporting evidence such as records of litters and numbers of dogs on site.

BACKGROUND

1. Planning permission was granted in 1989 (S919/89) for the erection of 5no.stables and associated car parking, which have been implemented. The site has also been the subject of an enforcement proceeding for the retrospective erection of an agricultural building (barn), which was subsequently granted temporary approval for three years in 1994 (94/1529/P) and which has been renewed in 1997 (97/1903/P) and 2001 (01/0620/P) and has not been renewed since this date but due to the length of time in situ no action can be taken.
2. Retrospective Planning permission was sought in 2008 (08/0073/FUL) for the change of use from agriculture to a horse breeding business, siting of 1 no. static caravan (residential) and hardstanding together with erection of new barn and demolition of existing old barn. This was subsequently refused in 2010 due to there being insufficient justification for occupational dwelling and impact on the character and appearance of the surrounding area. The applicant at the time (Ms Stewart) submitted an appeal to the Planning Inspectorate which was dismissed on the grounds of insufficient justification for an occupational dwelling; however the Inspector did not support the Council's reason on the impact on the character and appearance of the surrounding area.
3. In 2011 an application was refused for construction of a riding arena, lunging ring and car park. This application was refused due to the impact on the character and appearance of the area and the scale of the development which was considered to be excessive for a private equine use. This appeal was allowed and the development has been implemented, whilst not fully in accordance with the approved plans, although the changes would not warrant enforcement action.

SITE AND SURROUNDINGS

4. The application site is located to the north of Stockton and lies outside the limits to development.
5. The highway access is from Wynyard Road into the application site and the land is at higher a ground level in relation to the adjacent highway. The application site is partially screened by existing trees and planting.
6. To the north east of the site, lies Castle Eden walkway, which runs along the full length of the site,
7. The existing and proposed buildings are located to the south east of the site with a large open field area (12 acres) to the North with Wynyard Woodland Park beyond.

PROPOSAL

8. Retrospective planning permission is sought for a single storey extension to form dog breeding kennels and runs (9 in total), conversion of existing stables to provide ancillary managers accommodation, single storey extension to the rear of the existing store/barn to form 5 private stables, erection of an isolation unit and installation of a hardstanding area. Taking each element in turn;
 - The Managers Accommodation consists of a living room and kitchen with a bedroom and bathroom (20 x 3.5 metres); existing stable doors have been replaced with UPVC windows and a door. To the rear of the accommodation is a long corridor leading to the kennels
 - The 9 kennels and runs are to the rear of the managers accommodation (19 x 6.2 metres)
 - The 5 Stables are located to the rear of the existing barn (approximately 16.5 x 3.5 metres)
 - The Isolation Unit is a detached caged building located to the north east of the existing buildings (7 metres x 3 metres)
 - The hardstanding area has been created around the rear of the stables and kennels
9. In addition full planning permission is sought for an extension to provide pupping kennels (additional 8 kennels and runs) reception area and alterations to widen the existing access and provide car parking. Taking each element in turn;
 - The reception area is to be attached to the west of the Managers accommodation (5.4 x 3.2 metres)
 - 8 Additional kennels will be provided in a L shaped structure (12 x 9 metres at the widest points)
 - 6 car parking spaces will be provided to the west of the entrance
 - The existing access into the site will be widened to 6 metres.
10. The applicant will have a maximum of 28 dogs on site, 24 for use in the business and 4 as pets. It is envisaged that there will be approximately 28 puppies at any one time (however this could be a maximum of 40 as there is a potential for 10 puppies per litter). A copy of the flow through the rooms, showing how the business will operate is attached at Appendix I). Selection of breeders will be programmed to ensure there are only a maximum of 4 bitches in pup at any one time during the year. Dogs will be bred once per year, having one season break as recommended by the Kennel Club, so some will not be lined (mated) if this compromises this programme, and will need to wait until the following year to be lined.
11. The vast majority of puppies will be sold, however a small percentage which present outstanding show qualities will be kept to accommodate the Applicants showing programme. Kept pups will be accommodated within existing rooms, utilising the rooms at half occupancy.
12. It is expected that 65 % of sales will be done via the internet as the customer base will be both national and international. This will reduce the need for people visiting the site for viewing and collection, as a delivery service will also be provided. For those people wanting to visit to view and/or collect puppies, an appointment system will be used to ensure visiting is kept organised, within quiet times of the day (10:00 am - 2:30 pm) and limited to one visitor at any one time.
13. The application is accompanied by a business plan and projected accounts for the next 5 years.

CONSULTATIONS

14. The following Consultations were notified and any comments received are set out below:-
15. Highways Transport And Environment

Highways Comments: This proposal uses an existing access which the applicant proposes to widen. All planting must be regularly pruned to maintain the visibility splays. The applicant proposes to operate an appointment system which will ensure the incurtilage car park is not over subscribed and opening hours will be outside network peak times so visitor trips to the site will not impact on the road network. Subject to the above there are no highway objections. The applicant should contact Care for Your Area (01642 391959) regarding widening the access.

Landscape & Visual Comments: The new buildings proposed form part of an existing group previously used for stables, except for the isolation kennels which is a small, garage sized building only. Views of the site from Wynyard Road are largely screened by a dense hawthorn hedge that runs along the edge of the highway verge on the southern eastern boundary of the site and a timber close board fence (approximately 1.8m high) that is behind this hedge within the site. This hedge will require trimming back at the site entrance to accommodate the site lines and provided the height of the hedging is maintained this would be acceptable. There are therefore no landscape and visual objections to the development.

Flood Risk: No comments

16. Environmental Health Unit

Due to concerns regarding the potential for noise disturbance arising from the development, a noise assessment was undertaken on the 05/04/2016. The kennels home German Shepherds and at the time of the assessment the premises was nearing full capacity. The dogs are kept inside the kennels from 21.00hrs until 09.00hrs every day. As I understand it there have been no issues with noise at these times as the animals are usually asleep and any noise made is confined to within the premises. Reports have stated that noise is audible from the kennels predominantly between the hours of 11.00hrs and 14.00hrs. This is due to feeding and exercise routines where the dogs are prone to get excited and therefore bark.

Noise Assessments: In order to make an assessment, the dogs were made to bark while noise recordings were taken at two separate noise sensitive locations using a hand held Nor 140 sound level meter. This method of obtaining noise data was not ideal as the noise was artificially created, however was able to provide us with some information to assess. The locations were:

Thorpe Thewles Village

Blakeston Lodge Cattery

I can confirm that the noise from the dogs barking was inaudible at Thorpe Thewles Village and as such this report will focus predominantly upon those findings at Blakeston Lodge Cattery.

Blakeston Lodge Cattery findings: The cattery is approximately 400 metres from the kennels and an assessment was made from outside the premises on a dry day with little to no wind of significance. I understand from Blakeston Lodge Cattery that the dogs' barking is not an issue inside the Cattery but concerns have been raised regarding the noise while outside the premises. We took several recordings while outside the premises to use as a guide in order establish how intrusive the noise was. Background noise was predominantly that of traffic at around 44dB.

5minute LAeq recordings

Location	Noise	dB level
The Cattery	Background noise levels	LAeq 44dB
The Cattery	Dogs barking	LAeq 47dB

One off noise recording

Location	Noise	dB level
The Cattery	Car driving past Wynyard Rd	50dB

The dogs barking was audible from outside the Cattery and did increased background levels by 3dB. A recording was also made of traffic passing along Wynyard Road that increased background levels by 6dB.

Conclusion: The level of noise audible at the cattery was low and not an issue while inside the premises. Due to the barking being inaudible inside the nearest residential premises the noise would not constitute a Statutory Noise Nuisance.

The levels that we experienced at the time of the visit were created artificially and as I understand may have over excited the dogs. The dogs are used to the same members of staff at the premises and our presence may have caused more noise than is usually expected.

In order to assess the levels I have considered BS4142, a standard used to assess the impact of industrial and commercial noises on mixed residential areas. This British standard advises that levels below 5 decibels above background are unlikely to arise in complaints.

I have also sought advice from Stockton Councils Animal welfare department regarding the welfare of the cats at the cattery. As I understand it, it is common practice for premises to home both cats and dogs; however steps must be taken to ensure cats are not exposed to excessive barking. This usually involves separating the animals to reduce the noise and having living quarters out of a direct line of sight. The distance between these two premises is satisfactory to mean the potential barking should not create excessive noise for the cats. As such I have no objection in principal to the development.

Recommendations: As the noise from the dogs is audible at the cattery I have spoken to the applicant regarding new management techniques that may reduce the noise at those times of the day that are an issue. I understand that steps will be taken at feeding and exercise times in order to reduce the noise. This will involve keeping some of the dogs inside the kennels so as not to excite them. The applicant has also discussed the potential for an acoustic fence at the premises or a roof on the kennels outdoor area. Although this may reduce noise to some extent I still believe that the noise will be audible at the cattery. I am however concerned that increasing the number of dogs at the premises in the future will raise noise levels significantly. I am satisfied that as the premises was nearing full capacity at the time of this assessment that noise levels are not excessive at the cattery with the number of dogs this application is proposing. However, in order to ensure that levels remain as such I would recommend that a condition is placed upon the premises limiting the number of dogs to prevent future increases in noise.

17. Licensing Section

I did the formal inspection with the Veterinarian yesterday at the new Dog Breeding establishment operated by Mr & Mrs Broadbent. The inspection was to establish if the accommodation for the dogs, the kennels and whelping rooms would be adequate. Some of the development was not in place as they are awaiting the relevant planning consents to be granted. It was established from the visit that the applicant had concerns regarding onsite accommodation and the effect this could have on his application for the Breeding Licence. This could affect the issue as the Local Authority has to take the welfare of the animals as a priority with this type of licence. Whilst there is no specific requirement in the legislation for 24 hr. on-site presence, it is required that the dogs will be visited on at regular intervals. It was identified that if for example a fire broke out the lack of presence on site would put the dogs at considerable risk, also if they start to fight among themselves. This is a lesser risk as they would not put dogs into kennels that were known to not like each other. It is thought the Veterinarian will strongly recommend a 24 hour on site presence in her report. It was also mentioned that the dogs barking were causing a nuisance at the Cattery over the road and on the other side of the valley. For your information the Veterinarian did say that if a cat was in close proximity to a dog it may suffer some stress but this would be if it was in the site line or the dog was barking in a kennel on the same complex. It is unlikely that the dogs barking would be classed as a statutory nuisance, but that would be for the Environmental Health Noise Team to establish as they are the experts in this field.

18. Grindon Parish Council

Development such as this should be located within or adjacent to urban areas as the rural location does not reduce the need to travel by car. All customers and staff (except the on-site resident) would have to visit the business by car. If the proposal were located in a more sustainable location then people could walk to the business. There are vacant units within the

town, in employment locations and in local centres across the borough, utilising them first instead of building new is more sustainable.

Travelling by car increases carbon dioxide emissions which accelerates global warming which can have many negative impacts upon the area. Travelling by car increases congestion, this will be particularly problematic during peak times when the junctions are busy and drivers take more risk when accessing the A177 from Wolviston Road. Furthermore, given the unsustainable location of the business and the need to travel there by private car there are no physical health or environmental benefits for visitors, unlike if the business were in a more sustainable location where the need to travel by car is reduced.

The proposal does not support the requirement to move towards a low carbon economy as per NPPF paragraph 7 (Environmental Role) and does not reflect the requirement to meet the health and social well-being of the local area (paragraph 7 NPPF). Given that there are limited employment opportunities and therefore the business is unlikely to do very little by way of supporting the rural economy, the negative impacts of the scheme would outweigh the benefits and this application should therefore be refused

Should this approval go ahead then the Parish Council would like to see significant improvement in the design. The current design is of poor quality; it is unimaginative, not reflective of the rural setting and is dominating and intrusive to the rural area. The design of the Dogs Kennels should reflect the positive design detail that exists within Thorpe Thewles and the surrounding areas.

The current design does not positively contribute to the area as per Paragraph 58 of the NPPF. On these grounds the application should be refused.

Landscaping: due to the lack of good architectural design there is no appropriate landscaping along the frontage to soften the impact of the scheme on the countryside. Again this is not applicable with paragraph 58 of the NPPF, therefore the application should be refused.

Should this approval go ahead then section 106 money should be sought to improve the walking links between the business and surrounding area. Currently should any Thorpe Thewles residents wish to take their animal to the kennels they have to cross the busy A177 dual carriage way and walk on the road to the business access gate, given that there is no path and that the route is undesirable it is anticipated that many residents will still choose to drive to the business, yet if a new footpath is provided then the business can be made more accessible.

Given the number of elements which are in conflict with NPPF 2012, the application should be refused, therefore by default there is no requirement for accommodation.

Please also consider these points when determining the outcome of this retrospective application.

Although a retrospective planning application is permissible in the planning process (under section 73A of the Town and Country Planning Act 1990), the local planning authority can decline to determine a retrospective planning application if they consider there has been a disrespectful planning breach by the applicant in commencing any development without permission prior to submission of the planning application. The Parish Council considers this to be the case with this application and request Stockton Council to refuse planning permission.

The Parish Council consider the following grounds are a basis for refusal:-

- Beyond the recognised Limits of Development
- Unsuitable non-agricultural use of the rural environment
- The previous intended use for stables involved relatively quiet horses, providing dog kennels is a noise from dogs would definitely impact on nearby neighbours
- Lack of evidence of a treatment plant necessary for attachment to the soakaway facility
- Lack of a sustainable principle for the intended use
- Proposed residence design of existing buildings unsuitable for sustainable living
- Impact on traffic on an already fragile local road system
- Visual impact of the proposal because of proximity to road
- A planning precedent with a previous refusal of planning permission
- Unsustainable development without consideration given to climate change
- Impact of high energy security lighting which will impact on the nearby Wynyard Woodland Park astronomical observatory

The Parish Council consider the proposal to be in breach of the following policies:-

- NPPF para 7, 10, 55, 58, 109, 120 and 123
- Stockton Council Core Strategy CS1, CS3 AND CS10
- Saved Policy EN7, EN13 and EN20

Grindon Parish Council request Stockton Council to refuse retrospective planning permission for this application.

19. Tees Archaeology

There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

20. Councillor J Gardner

No comments received

21. Animal Health And Welfare

No comments received

PUBLICITY

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

LETTERS OF OBJECTION

23. Neighbours were notified and 8 individual letters of objection and were received from the following addresses with the main objections summarised below. Full details of the objections can be viewed on line at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Mr Steve Featherstone, Blakeston Lodge Cattery Blakeston Lane
- Mr Gareth Rees, 2 School Close Thorpe Thewles
- Mrs Lynne Williams 25 Durham Road Thorpe Thewles
- Mr Nick Waites 3 Wynyard Court Thorpe Thewles
- Robert Sidney 3 St James Close Thorpe Thewles
- Jacqueline Sidney 3 St James Close Thorpe Thewles
- Mr Kevin Williams 4 St James Close Thorpe Thewles
- T W Allison Mill Farm Thorpe Thewles

The main grounds of objection are;

- Unsustainable location for the development
- Noise from dogs and associated impacts on the Cattery business and residential properties
- No requirement for a full time on site presence
- Will create unnecessary additional traffic and insufficient parking
- The present dog parlour and this proposed development could be linked up together to form one large complex
- Poor Design
- Why did owners not follow the proper procedures given they had planning permission previously
- Will this set a precedent for other residential properties
- Visual impact of proposals, out of character with the rural area
- Litter and Refuse
- This is just another attempt at building a property in a location which is detrimental to the Countryside.

LETTERS OF SUPPORT

24. Neighbours were notified and 2 individual letters of support and were received from the following addresses with the main reasons for support summarised below. The full details can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Mr Colin Hedley, Corner View Wynyard Road
- Mr John Cavanagh, Hamilton Russell Bank terrace

The main grounds of support are;

- It will bring more people to the area creating more job prospects and business to the area
- The applicants have established a viable business within the countryside, which is where dog boarding/breeding establishments are seen to be for favourable
- New business are seen to be encouraged where the loss of visual impact is minimal and the site is screened
- The design is in keeping with the countryside
- This is a 5 star luxury breeding establishment unlike the puppy farms in the UK which is costing the government thousands of pounds to shut down on a regular basis.
- Significant investment has taken place
- There are footpaths to the site and used by dog walkers regularly
- There are no noise issues in this location which is evident from the operation of the boarding kennels property next door.
- It is not uncommon to see Cat hotels and dog hotels on the same site

PLANNING POLICY

25. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

26. National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. 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

Local Planning Policy

27. The following planning policies are considered to be relevant to the consideration of this application.
28. Core Strategy Policy 1 (CS1) - The Spatial Strategy
1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
 6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.
29. 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.
30. 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.
31. Core Strategy Policy 4 (CS4) - Economic Regeneration
8. Additionally, support will be given to:
 - i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification;
 - ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
 - iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
 - iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.

v) The creation of employment and training opportunities for residents by developers and employers.

32. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

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.

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish the risks associated with previous contaminative uses; the biodiversity and geological conservation value; and the advantages of bringing land back into more beneficial use.

33. 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.

MATERIAL PLANNING CONSIDERATIONS

34. 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

35. 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.

36. 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. It is considered that the proposed development is largely in accordance with the aims of the NPPF and will provide rural employment, albeit limited in scale.

37. Objections have been raised regarding the sustainability of the site, however given that this is for breeding where visitors will be from a much wider area and the potential for noise and disturbance, its location outside of the main residential area of Thorpe Thewles village is considered to be appropriate for an animal related enterprise; however noise implications are considered in detail later in the report.
38. In terms of new dwellings within the countryside, paragraph 55 of the NPPF states housing should be located where it will enhance or maintain the vitality of rural communities and 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 which state the proposal should show 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:

39. This application is part retrospective and it is clear that the applicant has invested a significant amount of money in the creation of the kennels and the isolation unit. The application also includes expansion plans which will include a reception area and pupping rooms and as the business grows additional staff (an apprentice and full time worker) will be employed and the projected accounts reflect this growth (although they are confidential and not for public viewing). It is therefore considered that the applicant has demonstrated the intention and ability to develop the enterprise

Functional/essential need to be on the site:

40. 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. The applicant states they will have a comprehensive policy in place to ensure dogs and puppies are kept safe and well throughout their time with them, following the guidance in the Animal Welfare Act (2006) and to enable this policy to run most effectively, there should be someone at site 24-7. The key reasons for this is that they need to
- Be there to supervise pupping, and able to act quickly in an emergency and/or complex birth
 - Be there to prevent injury if any of our paired dogs start fighting
 - Be there to isolate any injured/infectious dogs as quickly as possible
 - Be there to hand feed puppies if the mother will not whelp
 - Be there to investigate reasons for noise during unsocial hours and eliminate
41. This view was supported by a Veterinarian from the Clifton Lodge Veterinary Practice who is the Local Authority's appointed Veterinarian for Animal registration's and Licensing matters and states that in her professional opinion it is imperative for the dogs' welfare that someone is resident at the property and would not recommend the council to licence any "lock up" establishments (a copy of the report is attached at Appendix J).

42. Taking this advice into consideration and the licensing requirements it is considered that there is a functional need for an onsite presence at all times.

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

43. The application has been supported with a business plan and projected accounts based around the proposed business on this site. The proposed business plan sets out growth from the end of the financial year 2016 up to 2020, with the overall level of profit continuing to grow year on year to a relatively substantial level in 2020. 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

44. Whilst the original submission stated this was a joint venture with Ellechim (the adjacent boarding kennels) the applicant has since confirmed that the business is not a joint enterprise with the neighbour but his specialist advice will be sought. The adjacent accommodation cannot therefore be considered. There are properties for sale in Thorpe Thewles however as there is a functional need for a person to be present on site it is reasonable to rule out other accommodation that may be available in the locality as the licensing requirements could not be met.
45. The principle of the development of an animal breeding 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 advice of the Council appointed Veterinarian, the proposal meets the tests in Annex A of PPS7 and the proposal is considered to justify the need for residential accommodation.
46. When a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it is common practice that for the first three years, it be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation, however as the applicant has already converted the stable it would be unreasonable to expect the applicant to provide other onsite temporary accommodation. The works undertaken appear to be substantial however the applicant has confirmed that the stable block could easily be converted back and fixtures and fittings removed and has agreed to a three year temporary consent which has been conditioned, along with a condition linking the accommodation with the onsite business.
47. The principle of development is therefore considered to be acceptable, subject to the other material planning considerations set out within this report.

Impact on the appearance and character of the area

48. Views of the site are limited by existing vegetation and the site remains most prominent during the winter months. The buildings form part of an existing group previously used for stables, except for the isolation kennels which consists of a small, timber building. No external lighting is proposed.
49. The development is located mainly adjacent to the existing stable block (which has been converted to Managers Accommodation) and close to Wynyard Road. Views of the site from Wynyard Road are largely screened by a dense hawthorn hedge that runs along the edge of the highway verge on the southern eastern boundary of the site and a timber close board fence (approximately 1.8m high) behind this hedge.
50. The scale of the proposals are modest and generally match with the existing buildings on site using materials such as timber, profile sheeting for the roofs and walls will be rendered. The runs are metal but are functional and are needed as part of the development. Taking this into

account it is considered that the proposed design will not adversely affect the character and appearance of the area.

51. Given the limited visual impact of the development it is not considered that the proposal will have an adverse impact on the character and appearance of the area. This view is supported by the Council's Landscape Architect who has raised no landscape and visual objections to the development.

Impact on privacy and amenity

52. The application site is not close to any residential properties other than the neighbouring boarding kennels who have offered support to the proposed scheme. The nearest dwellings are in Thorpe Thewles on the other side of the A177, which are in excess of 300m from the site and also Blakeston Cattery which is approximately 400 metres from the site. Given the separation distances the extensions and alterations to the building will therefore not have any significant impacts on the amenity of these residents.
53. Whilst there is no reason why a well-run establishment should result in excessive amounts of barking and the applicant has made clear that dogs would be confined to their kennels during the evening and night time. In addition it is considered that as the applicants will be residing on site they would not wish their own living conditions to be diminished by barking dogs.
54. Nonetheless, concerns have been raised regarding noise disturbance including impacts from noise at the nearby Cattery. In order to assess the impact from noise the Council's Environmental Health Officers visited the two nearest noise sensitive receptors, which were the Cattery and the housing at Thorpe Thewles. As the site is already in operation an artificial situation was created by the dogs being disturbed causing them to bark whilst the readings were taken. The results showed that the noise was inaudible at Thorpe Thewles with only a 3db increase in noise at the Cattery, which when compared to noise from passing traffic which increase noise by 5db this would not be considered a significant increase to justify a refusal of the application.
55. Objections have been raised regarding the potential impact of barking dogs on the cats at the Cattery, however the Veterinarian employed by the Council visited area of the Cattery the dogs were deliberately made to bark and states that whilst the sound was audible it was not especially intrusive and not at a level where it would be considered detrimental to the cats unless the barking was allowed to become prolonged. Taking this into account it is not considered that the application could be refused for this reason.
56. The reading was taken with the site near to full occupancy it is considered prudent to limit the number of dogs to prevent an over intensification of the site and thereby result in additional noise disturbance. This condition has been recommended
57. Overall it is considered that the application would not have a significant adverse effect on neighbouring properties to justify refusal of the application.

Highway Safety

58. The Highways, Transport & Environment Manager (HTEM) has considered the proposed development and considers that the revised access arrangement are acceptable subject to a condition to ensure that the visibility splays are maintained free of obstructions which has been recommended.
59. The applicant proposes to operate an appointment system which will ensure the incurtilage car park is not over subscribed and opening hours will be outside network peak times so visitor trips to the site will not impact on the road network and HTEM considers this arrangement to be acceptable and has raised no objections to the proposed scheme.

60. Given the above and in the absence of any objections from the Highways, Transport & Environment Manager, it is not considered that the proposed development poses any significant threat to highway safety.

Residual matters

61. Comments in relation to the previous application 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 accommodation, 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.
62. Concerns regarding any associated lighting are noted, particularly with regarding to the planetarium, however the applicant has confirmed no additional lighting is proposed.
63. Suggestions have been made that the applicant should pay monies secured by a Section 106 agreement to improve walking route in the area, however given the scale and nature of the development this request would not meet the tests for a Section 106.
64. The applicant has advised that there is a septic tank on site which will be used. Building regulation approval will be required for the development and an appropriate licence/exemption is also required from the Environment Agency. Due to the controls through other legislation and to avoid duplication, it is considered that an appropriate method of drainage and foul treatment can be achieved at the site subject to the works satisfying the building regulation requirements.

CONCLUSION

65. Given the above considerations the principle of the development of an animal breeding business in this location is acceptable and accords with planning policies.
66. The temporary Managers Accommodation is also considered to be acceptable, subject to it being for a temporary period whilst the business is established and linked 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.
67. 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.

Director of Economic Growth and Development Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward Northern Parishes
Ward Councillor(s) Councillor J Gardiner

IMPLICATIONS

Financial Implications: As 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:

National Planning Policy Framework (NPPF)

Stockton on Tees Core Strategy

Stockton on Tees Local Plan

PPS7 – Annex A (used to assess the need for the residential accommodation)

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Appeal Decisions