

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

3rd July 2019

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

18/0874/COU

**Corner View, Ellehcim Pace Your Pooch, Wynyard Road, Thorpe Thewles
Change of use of land for the siting of 10 timber clad caravans, to include the creation of a
new vehicle access and access road.
Expiry Date: 6 July 2019**

SUMMARY

The application site is an agricultural field which has significant changes of levels throughout, with land levels rising up from Wynard Road along the southern boundary to Castle Eden Woodland to the northern boundary. The part of the Site of which this application relates is the most elevated position along the northern boundary.

This application is seeking permission for the change of use of the site to allow the siting of 10.No. timber clad caravans. The Caravans would be situated along the northern boundary. The proposal is also to include the creation of a new vehicle access and access road to be taken from the southern part site at Wynyard Road.

In an attempt to alleviate concerns over the visual impact of the proposed development, the potential impact on protected species and the priority habitat a Landscape and Visual Impact Assessment and Phase One Ecology Survey has been received and due consultation carried out.

A total of 27 comments have been received making supporting comments, representations and objections. Those comments received include a range of views from support for the applicant and the proposed use of a new tourism accommodation to concern over the associated impacts such as traffic safety and its visual impacts. All of which are summarised within the report. The application is referred to Planning Committee due to number of consultation responses received in support of the application which are contrary to officer recommendation as detailed below in the report.

It is considered that due to the nature of the proposal which is both within the open countryside and in a highly prominent position, that it would not satisfy local and national planning policy in terms of the impact on the character of the wider open countryside and landscape setting. The proposed development would have a demonstrable adverse impact on terms of highway safety, risk of pollution and lack of regards to treatment of surface water. The proposed development is therefore recommended to be refused.

RECOMMENDATION

Planning application 18/0874/COU be Refused for the following reasons

Highways

- 01. In the opinion of the Local Planning Authority due to substandard visibility at the access, this proposal would intensify the use of a substandard access, thereby having a detrimental impact on highway safety contrary to the provisions of para 109 of the National Planning Policy Framework and Local Plan Policy SD8.**

Landscape/Principle

- 02. In the opinion of the Local Planning Authority, the proposal is considered to be contrary to Policy SD4 and EG7 in so far as that the change of use would facilitate the siting of 10.No timber clad caravans which would have a demonstrable adverse impact on the wider character and appearance of the open countryside within a highly sensitive location. The proposed development of the Site would not relate well to an existing development and due to the highly prominent and sensitive location fails to respect the character of the countryside. There are no special circumstances relating to the proposal to override the policies of the Local Plan and Government policy within the National Planning Policy Framework.**

Drainage

- 03. In the opinion of the Local Planning Authority the application has failed to demonstrate that a suitable means of treatment of foul and surface water can be achieved. Without sufficient information the LPA are not satisfied that the proposed development would not pose a risk to pollution of the water environment and would not increase the risk of surface water flooding. The proposed development is therefore considered to be contrary to advice contained within the NPPG, NPPF and Policy ENV4 and ENV5 of the Stockton Borough Council Local Plan.**

BACKGROUND

1. 08/0073/FUL Retrospective application for change of use from agriculture to horse breeding business, siting of 1 no. static caravan (residential) and hardstanding together with erection of new barn and demolition of existing old barn. Refused 4th June 2010

2. 16/0149/RET 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. Approved 4th May 2016

3. 17/1298/COU Retrospective application for change of use from dog breeding kennels to dog boarding kennels and the erection of 9 additional kennels and installation of a Condenser ASP Sewage Treatment Plant. Approved 23rd February 2018

SITE AND SURROUNDINGS

4. The Site is accessed via Wynyard Road, which connects the A19 with the A177, which itself is in close proximity only 0.2 miles from the entrance to the site. The entrance to the site is an existing double access gated entrance with access to the carpark of the existing dog grooming and boarding facility.

5. The Site is directly to the south of Wynyard Woodland Park, which is a country park, with parts of the site also designated as a Local Nature Reserve, Local Wildlife Site and extends to over 180

ha of various types of green space as well as a disused railway line, utilised as a cycle way, play area, cinema, planetary observatory and visitor centre.

PROPOSAL

6. Planning permission is being sought for the change of use of agricultural land for the siting of 10.No. caravans, the application includes the formation of a new access and access road. The purpose of the proposal is to provide self-contained holiday accommodation to enable families to stay for short week based breaks and enjoy the many attractions and sights in and around the local area. The timber style clad cabin-style caravans will be used as holiday accommodation only.

7. Each caravan will comply with the requirements to be legally classed as a caravan. The definition of a caravan is defined in the Caravan Sites and Control Act 1960 as:

“Any structure designed or adopted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle so designed or adapted, but does not include a) any railway, rolling stock which is for the time being transported on a motor vehicle or trailer; and b) any tent.”

8. It is also proposed to create a new vehicle access from the southern boundary, the proposed access road would round the rear of the Ellchiem Dog boarding site and connect to the lodges in the north eastern corner of the Site.

9. Following concerns raised over the visual impact a Landscape Visual impact Assessment was submitted, which included to provision of 1 hectare of planting along the southern boundary of the proposed siting of the lodges.

CONSULTATIONS

10. The following Consultations were notified and any comments received are set out below:-

The Environment Agency

Thank you for referring the above application which we received 22 May 2018.

Environment Agency Position - Disposal of Foul Sewage

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reasons

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the Planning Practice Guide advises that a full and detailed consideration be given to the environmental capacity of the area in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

We consider that, as a minimum, the planning application should contain the information requested on the non-mains drainage information form, a copy of which has been sent to the applicant/agent. This form should be completed and returned to the Local Planning Authority. It should be noted that this form only requests sufficient information to enable us to formulate an opinion on our particular area of concern, being pollution prevention. As the Local Planning Authority you may wish to request additional information to address amenity and public health issues, as set out in the Planning Practice Guide.

Advice to Applicant

Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption. We are currently working with Defra to review our approach to regulating these small sewage discharges. Whilst this review is underway we will not require registration of small sewage discharges in England under an exemption as previously required, as long as you comply with the conditions set out in our Regulatory Position Statement.

Please note that we will retain the existing system so that anyone can still register if they wish to. This might be, for example, as part of a house sale.

An Environmental Permit from the Agency is normally required for discharges above this volume or to sensitive locations. It is illegal to discharge sewage effluent in sensitive locations, or discharge over 5 cubic metres per day to surface waters or 2 cubic metres per day to ground, without an Environmental Permit.

*Further guidance on Environmental Permitting requirements is available on our website at:
<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>
<https://www.gov.uk/permits-you-need-for-septic-tanks>*

With regards to design, the site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Having assessed the additional information I can advise that we maintain our objection and that our comments made in letter NA/2018/114123/01-L01 Date 11 July still apply.

The Ramblers Association

The Ramblers' thank the Council for the opportunity to comment on the above planning application.

Provided adequate screening of the development from the Castle Eden Walkway is maintained we have no objection to the present proposals.

Northumbrian Water Limited

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make as no connections are proposed to any existing sewerage networks.

Parish Council

Grindon Parish Council wish to make the following comments in relation to this application.

If the Council is minded to grant permission for this development it is requested that enforceable conditions are imposed as follows:

Limit the occupation of these units to genuine holiday occupation and only for a reasonable period of time;

Strictly prohibit their use as a permanent residence.

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager objects to the application on highway safety grounds as the applicant has failed to demonstrate the provision of a suitable site access.

The Highways Transport and Design Manager objects on landscape visual grounds on the basis that the proposed mitigation measures would take in excess of 10 years to be effective and that the harm generated in the short to midterm would be significant.

The Highways Transport and Design Manager also objects on the lack of information submitted to support the application and notes that detailed information on all supporting infrastructure should also be provided for consideration prior to any approval of the proposed development.

The applicant has also not provided sufficient information regarding the management of surface water runoff from the proposed development, therefore the Lead Local Flood Authority are unable to support this application.

Environmental Health Unit

Have no objection in principle to the development, subject to a Management Scheme. I have referred this planning application to the Contaminated Land Officer who may provide additional comments if necessary.

The attached dog boarding facility has been subject to noise complaints by local residents and this has been investigated by the Environmental health department. However I don't think that expanding this site to include 10 timber clad caravans will impact upon the existing background level. I therefore have no objection in principle to the proposal. I would advise that management practices are implemented to manage noise from the customers on the site.

PUBLICITY

11. The Application has received 23 letters of support and four letters of refusal. The full contents of all letters received are available for viewing on the public access a summary has been provided below;

Support

Mr Michael Greathead (10 Grantham green Middlesbrough) Miss Samantha Kelly (62 Delaval Road Billingham), Mr Thomas Tamplin (4 Thompson close), Mrs Helen Redfearn (8 Castlereigh Close Bournmoor), Ms Angela Robinson (52 Millfield Road Fishburn), Miss Dianne Mothersole (5 Cumbrian Way Peterlee, County Durham), Mr Sam Jordan (Studley Road Linthorpe), Mr Harry Wintersgill (Springfield Stud Wynyard Road), Mrs Nicola Palmer (60 Fairfield Avenue Ormesby), Miss Suzanne Workman (22 Blake Close Billingham), Ms Val Mclvor (17 Hardy Grove Billingham), Mrs Lucy Molloy (25 Green Vale Grove Stockton-on-Tees) Mrs Jean Black (16 Farndale Green Stockton-on-Tees), Miss Leanne Robinson (34 Crocus Gardens Hartlepool) Mrs Joanne Jackson (4 Meadow Road Trimdon), Mr Craig Hedley (28 Lee Terrace Shotton Colliery), Mr Paul Young (1 Arken Terrace Norton), Mrs Vicki Lau (43 Runswick Avenue Redcar), Mr Micky Hindle (RMR Col 351 Merton Road), Miss Charlotte Watson (9 Roseberry Road Billingham) Mr Gavin Chapman-Galloway (53 Bramble Road Stockton-on-Tees), Mr Mark Farrar (4 Barley Close Hart Lane) Miss Sophie Allison (229 South Frdrick Street South Shields).

- Great attraction
- General support for application and applicant
- Support existing facilities within Thorpe Thewles
- Good for the economy
- Job creation
- Ideal location
- Will not impact on traffic
- Will not impact on the landscape
- Will not have noise implications

- Good concept

Objections

Mr Steve Featherstone (Blakeston Lodge Cattery Blakeston Lane), Mrs P L John (4 Durham Road Thorpe Thewles), Dr Paul Frith (8 St James Close Thorpe Thewles), Mrs Carolyne (Hill 4 Wynyard Court Thorpe Thewles)

- Potential for a corporate company to manage the Site
- Lack of utilities and services
- Lack of facilities and attractions
- Unsustainable location,
- Impact on highways and access
- Insufficient information
- Concern over future long terms plans for the Site
- Concern over future use of the cabins.
- Letters of support from outside of area.
- Potential noise implications in terms of kennels and holiday makers

In response to some of the letters of objection the applicant has himself provided a response. Whilst the full contents area available online a summary has been provided below;

- The dogs that come with the holiday makers using the caravan site will be already counted in the numbers that we are currently licenced for. The dogs will not stay in the caravans they will stay in the superior doggy hotel.
- Consider the rural location to be the most appropriate location, a town centre location would not be suitable. The Site benefits from numerous local attractions.
- Raised concern that he has received conflicting information from the Council Officers and faced delays in validation.
- Ellehchim have even stated they will put on a shofar using their own transport to pick up people wanting to stay at the holiday site, to save bringing cars to the site, this allowing people from down south to use our services by train, bus etc, and minimising traffic again. Something we already have in use for our Doggy hotel.
- Ellehchim have created so many jobs now and taken people of job seekers allowance, and even now working with colleges on a daily basis placing students with us throughout the year, even gone to extent of allowing special needs children to take placements as this has good findings when researching children with autism and pets.
- This application is about Ellehchim standing out from the crowd, Doggy hotel/Doggy holiday park.
- Please take your time to actually look over our reviews on google, free index ellehchim pace your pooch. 5 stars throughout.

PLANNING POLICY

12. 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 Stockton on Tees Borough Council Local Plan 2019.

13. Section 143 of the Localism Act came into force on the 15 January 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 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.

National Planning Policy Framework

14. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

15. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Local Planning Policy

16. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in Favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

2. Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time, will be supported.

Sustainable Tourism and the Tranquil River Corridor

17. Support will be given to sustainable tourism proposals in the Borough's main town centres, tourist attractions, main parks and country parks, as well as enhancing the River Tees as a leisure, recreation and water sports destination. Out of centre proposals should be clearly related to activity in these areas and be of an appropriate scale, having regard to the intrinsic character of the countryside, in particular the desire to protect and enhance the tranquil River Tees, Leven and Bassleton Beck corridors as represented by the green wedge.

18. The Council will support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it:

- a. Is necessary for a farming or forestry operation; or
- b. Provides opportunities for farm diversification; or
- c. Provides opportunities for equestrian activity; or
- d. Is a tourism proposal requiring a rural location; or
- e. Is a site for new and existing land based rural businesses/enterprises.

Employment and Training Opportunities

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

- a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
- b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
- h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
 - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;

- ii. Any alterations or extensions are limited in scale;
- iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
- iv. Any associated outbuildings/structures are of an appropriate design and scale.
- i) Considering development proposals within green wedges against Policy ENV6.
- j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
- k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
- l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
- m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

- a. Directing development in accordance with Policies SD3 and SD4.
- b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
- c. Supporting sustainable water management within development proposals.
- d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
- e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
- f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Economic Growth Policy 7 (EG7) - Supporting Rural Economic Development

1. The Council will support and promote the sustainable growth and expansion of both new and existing rural land-based businesses and enterprises, both through the conversion of existing buildings and well-designed new buildings which are well related to existing development and respect the character of the countryside.

2. Support will be given to farm, agricultural and land based diversification schemes, rural leisure and tourism developments which build on the unique assets of the Borough, the introduction and improvement of information communications technology (ICT) networks to help support local businesses, including the expansion of high-speed broadband.

3. Support will be given to retail development associated with farm shops and horticultural nurseries where proposals are small in scale and ancillary to the main use of the farm/nursery and do not cause significant harm to the vitality and viability of local centres.

4. Proposals for farm diversification must be accompanied by a comprehensive whole farm diversification plan, which establishes how the proposed changes will assist in retaining the viability of a farm and its agricultural enterprise.

5. The Council will support and promote the retention and development of local services and community facilities in villages, which meet the day to day needs of rural communities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Proposals which involve the re-use or redevelopment of existing land or buildings where the last use was for community purposes or providing community facilities will be considered against Policy T12.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,

c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:

i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development

on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

6. To improve the quality of the water environment the Council will:

- a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
- b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
- c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are the compliance with the development plan and national and local planning guidance as well as the impacts of the development on the character of the area, amenity of neighbouring occupiers, highway safety, risk of flooding and ecology such matters are discussed below;

Principle

18. Within the supporting Planning Statement there is a great emphasis on the benefits tourism can have in terms its contribution to the rural economy and the wider social and economic benefits surrounding it.

19. Para 83. of the NPPF requires that decisions should amongst other enable, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and

other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside.

20. Indeed Policy SD4(18) in line with the NPPF seeks to support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it is a tourism proposal requiring a rural location; or is a site for new and existing land based rural businesses/enterprises.

21. Additionally, the Council will support and promote the sustainable growth and expansion of both new and existing rural land-based businesses and enterprises, both through the conversion of existing buildings and well-designed new buildings which are well related to existing development and respect the character of the countryside.

22. Tourist accommodation in itself is a widely accepted form of development which offers a contribution to the rural economy. The proposal would make provision for tourist accommodation in close proximity to Thorpe Thewles village and as visitors using the proposed accommodation would be likely to visit other places to eat, drink and utilise leisure and recreation facilities, the proposal would make a positive contribution to the local economy. Furthermore it is recognised that holiday use would be materially different from permanent residential use in terms of access and travel requirements and the daily needs of occupants.

23. Whether the proposed development can be accommodated on the Site whilst respecting the character of the countryside and therefore establishing the principle of the development has been explored within the later stages of this report. Should the principle of the development be established and all other material planning considerations satisfied, approval of the proposed development would require suitably worded conditions in respect of tight controls over the occupation of the lodges to ensure they remained for their intended purposes and for the reason justification would be given and not used for permanent residential purpose.

Character and Visual Impact

24. Para 84 of the NPPF sets out that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. *In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*

25. The proposal aims to locate 10 No. timber clad caravans for holiday accommodation in a rural part of the borough adjacent to Wynyard Woodland Park. The development Site is located on the northern edge of the property Springfield Stud. The Site is bordered to the south by Wynyard Road and slopes up from the road (approx. 27m OD) to the proposed location of the timber clad caravans (approx. 40m OD). The main vehicular access route into Wynyard Woodland Park forms the eastern site boundary, with the former Castle Eden Railway footpath/cycleway, a key feature of the Park, forming the western boundary.

- Within the Stockton on Tees Landscape Character Assessment, the site falls within the 'Wynyard' character area, the main characteristics which are applicable to this site are:
- Mixed woodland containing both commercial timber plantations and semi-natural deciduous woodland unique in character to the Borough of Stockton;

- Woodland blocks broken up by rolling arable fields, with residential and industrial developments encroaching on the woodland plantations and rural landscape of the Landscape Character Area;
- Wynyard Park forms an important element in the landscape consisting of Wynyard Hall and a Grade 2* parkland which makes a valuable contribution to the heritage of the area.

26. Whilst the Site is not in an area subject to any special designation, it is considered to be a rural location. In terms of landscape condition and change it is considered that

'due to the commercial nature of aspects of this landscape, continual change is anticipated to be one of the key aspects of this Landscape Character Area' and that 'care should be taken to ensure the natural features of this landscape are not damaged by this continual change, ensuring the deciduous woodland, landform and water course valleys are protected'.

27. The proposal would introduce 10 new structures, access roads car parking areas and vehicles into an area where there are currently none.

28. The proposed new caravans will be located on the northern edge of the site in an elevated position, and will be visible on day one of operation from a number of visual receptors in the wider the surrounding area, including Blakeston Lane and the A177, as well as Wynyard Road. There are also a number of public vantage points from the local network of cycleways and public footpaths.

29. The caravans would be timber clad and back grounded by existing vegetation. The proposals include for screen planting to the caravans. This would however take a number of years to establish and, will allow views to the caravans until it reaches maturity in 10-15 years' time. During establishment, in addition to the caravans themselves, receptors will take in views of parked cars, bins, and other additional and associated paraphernalia, such as outdoor furniture and barbeques. On evenings and during winter months light spillage from the glazed front elevations of the chalets would also contribute negatively to the night scene. These features would adversely impact the character of the local landscape.

30. Once established this screen planting would effectively visually extend the edge of Wynyard Woodland Park further to the south. This planting on maturity will not only remove views of the caravans but would also remove views which would be afforded from the caravan's, the units being placed in a position to benefit from the extensive views afforded from this local ridgeline. The trees would in addition to screening views cause harm to the amenity of the future users on the caravans by creating an unacceptable level of shading. Although less weight would be afforded to the amenity of holiday makers as oppose to permanent residential dwelling, the buffer planting would be so essential to effectively screen the caravans, that should permission be granted that once planted it would require protection in the form of a Woodland Tree Preservation Order, to ensure its retention in perpetuity.

31. A comprehensive landscape and visual assessment has been provided. In terms of landscape and visual impacts the study concludes that "with careful detailed design of layout and landscape proposals in accordance with the Landscape Strategy Recommendations, the proposed development could successfully be assimilated into this landscape with no significant lasting adverse effects, and with beneficial effects on Land Cover and Vegetation, Landscape Designations and Landscape Character".

32. As this conclusion is based on the successful establishment of the planting is required prior to any approval, the woodland would need to first be sufficiently established to enable the TPO to be legally placed. Even if advanced nursery stock was to be proposed and planted this would restrict

the use of the site for a minimum period of 5 years until the trees are sufficiently mature for the placement of the TPO. November 2019 would be the first potential season for planting.

33. As previously requested a north south section through the site and proposed development has been provided which demonstrates the above conclusion.

34. It is noted that the proposed development would not have any external illumination, for the reasons given above, should Members be minded to approve the application suitably worded conditions should be imposed to restrict external illumination. This is imperative not only for the reasons set out within the Ecology section of this report but illumination of the site would have the potential to further impact on the character and appearance of the open countryside.

35. The intrusion of the proposed commercial activity in this highly prominent position would by the virtue of intensification of use and associated domestic activities typical of those on holiday would adversely affect the intrinsic tranquillity of this part of the open countryside to the detriment of the surrounding area.

36. As it has not been demonstrated that the proposed development would respect the character of the countryside and would for the reason given have an adverse impact the principle of the development under SD4 and EG7 cannot be demonstrated and therefore the principle of development cannot be accepted. The proposed development would therefore be contrary to Policy.

Highways

37. The applicant has proposed that access would be taken from an old section of highway which connects to Wynyard Road approximately 35 m to the west of the existing access for 'Ellehcim Pace Your Pooch' doggy hotel.

38. The highway which this junction would be taken from, which formed part of the original alignment of Wynyard Road prior to the construction of the A177, is currently closed at its eastern end and a Traffic Regulation Order prohibits the use of it by vehicles associated with the proposed change of use thereby preventing access to the proposed site.

39. Setting aside the current lack of vehicular access rights over this section of adopted highway the formation of an access in this location would, as the highway is not currently used by vehicles, essentially create a new junction with Wynyard Road. The minimum junction spacing, in accordance with the Councils design guide, for a road of this type (Link Road (category 4a)) would be 60m on the same side of the carriageway. As set out above the junction serving the Ellehcim Pace Your Pooch' doggy hotel is only 35m to the east. Due to the proximity of the existing junction there is the potential to introduce confusion over which access a driver is entering which may result in rear end collisions. It is therefore considered that the utilisation of this access point would also be unsuitable in highway safety terms.

40. Para 109. Of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As the applicant has failed to demonstrate the provision of a suitable site access. The Highways, Transport and Design Manager objects to the proposals on highway safety grounds.

Amenity

41. The Planning Statement sets out that it is the applicant's intention to utilise Hoseasons to market the park. However, there is no confirmation as to how the applicants would intend to manage the site once operational, in terms of bookings, meeting guests, delaying with any issues on site or any complaints which may be receive as a result of the operations of the Site.

42. In view of the Environmental Health Officers comments and given the sensitives of the Site within the open countryside, should Members be minded to approve the application, a suitably worded condition should be imposed requiring a management plan should be submitted and approved in writing by the LPA. The management plan should clearly state how the site would be managed and enforced in terms of the following restrictions; bookings, noise including music and lighting. No hot tubs should be allowed on Site. The plan should be updated biannually to ensure effective management of the Site and in the interest of protecting the amenity of the open countryside and occupiers of surrounding residential properties.

Treatment of Foul and Surface Water

43. The Site is within Flood Zone 1, and as the Site is less than 1 hectare a Flood Risk Assessment is not required. A very small proportion of the Site, the subject of the proposed siting of the lodges, is at a low risk of surface flooding. However, the proposed entrance of the site is within a high risk of flooding from surface water and it is also within an existing flow path from an upstream catchment. Existing surface water flow paths must be maintained through the site to ensure flood risk is not increased elsewhere. This application has been submitted without the benefit of a drainage strategy. The application form indicates that that treatment of foul waste would be via septic tank. By its nature the installation of a septic tank is engineering operations and requires the benefit of planning permission. No details of the Septic tank have been provided.

44. Within the submitted Planning Statement the agent sets out the justification in not supplying such information;

The application is for change of use for timber clad caravans, these are not permanent structures. Any such for drainage provisions are specified as per the industry standards and site licensing as governed by the Caravan Sites and Control of Development Act, 1960 Section 5 Model Standards 1989: Holiday Caravan Sites Schedule of Conditions. All of the items regarding drainage and parking will be annotated to any site licence to which the site owner will fully comply.

45. The Environment Agency have recommended that planning permission is refused as the proposed development involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant.

46. The Caravan Sites and Control of Development Act 1960 Section 5, Model Standards for Touring Caravan Sites 1983, sets out that;

Whether or not WCs are provided a properly designed disposal point for the contents of chemical closets should be provided together with an adjacent adequate supply of water for cleansing containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the local authority and the appropriate Water Authority. Where appropriate, the water supply should be clearly labelled as non-potable

47. Northumberland Water have raised no comments as the proposed development has not at this stage proposed to connect to any existing infrastructure.

48. Further to the consultation responses from the Environment Agency and Northumberland Water, the Lead Local Flood Authority, the proposed entrance for the development site is located within a high risk of surface water flooding and is also within an existing flow path from an upstream catchment. Existing surface water flow paths must be maintained through the site to ensure flood risk is not increased. There is also a potential increased risk of flooding to the highway from the proposed entrance/access road. The applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development, therefore the Lead Local Flood Authority are unable to support this application. The applicant has not provided sufficient information regarding the management of

surface water runoff from the proposed development, therefore the Lead Local Flood Authority are unable to support this application.

49. The proposed entrance for the development site is located within an high risk of surface water flooding and is also within an existing flow path from an upstream catchment. Existing surface water flow paths must be maintained through the site to ensure flood risk is not increased. There is also a potential increased risk of flooding to the highway from the proposed entrance/access road. they have concern over the lack of detail over the treatment of surface water. It is noted that the geology of the surrounding land, and levels would not support the use of a soakaway.

50. In view of the above, and in accordance with the requirements of Policy ENV4 and the NPPF/ NPPG insufficient information has been provided which would ensure that the treatment of surface and foul water can be adequately addressed. It is therefore recommended that the proposed development is refused as due consideration as not been given to the environmental capacity of the area in order to justify the use of non-mains drainage facilities.

Ecology

51. The Preliminary Ecological Appraisal concluded that habitats on and close by the proposed development site are likely to be used by foraging and commuting bats, breeding birds, brown hares and West European hedgehogs, and possibly also by badgers and white-letter hairstreak butterflies. The effects of the proposals on individual animals and / or the conservation status of the local populations of these species will be variably neutral to moderate negative in the absence of mitigation. Mitigation, compensation and enhancement measures are presented to minimise the negative impacts of the proposals upon local populations of protected and notable wildlife. No further species-specific surveys are required providing that the proposed works are implemented within 2 years of the date of this report.

52. The report however does conclude that it should become necessary to utilise any external lighting during either the construction or operation phases of the proposed development, further bat risk assessment, and potentially surveys during the bat activity season (broadly May-September), will be required in advance of the works. As a minimum, measures will be necessary to ensure that there is no night-time illumination of the edges of the neighbouring woodland in order to be sympathetic to foraging and commuting bats.

53. The agent has confirmed that no external illumination is proposed as part of this application and it is not intended that any further surveys works will be carried out to facilitate the provision of any illumination.

54. Should planning permission be granted suitably worded conditions would be required to ensure that there was no external illumination provided in association with the Site and to ensure development was built out in full accordance with the mitigation compensation measure identified within the report.

Residual Matters

Waste

55. No details have been provided as to the collection of waste and recyclables. Should permission be granted a suitably worded condition would be required.

Contamination

56. At the time of writing no comments had been received from the Contamination Officer. Should Members be minded to approve the application a suitably worded condition would be required.

CONCLUSION

57. It is recommended that the application be Refused for the reasons specified above.

Director of Economic Growth and Development
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward Northern Parishes

Ward Councillors Councillor John Gardner

IMPLICATIONS

Financial Implications:

Environmental Implications:

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers:

Stockton on Tees Local Plan Adopted 2019
Supplementary Planning Documents
SPD1 – Sustainable Design Guide
SPD2 – Open Space, Recreation and Landscaping
SPD3 – Parking Provision for Developments