

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**13 September 2019**

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

**18/1064/COU**

**Agricultural Field To The South Of Forest Lane At 'Ned's Bridge' Lay-by,  
Change of Use of part of an Agricultural field to a recreational dog walking field**

**Expiry Date 25 September 2019**

**SUMMARY**

This application seeks planning permission for the change of use of the existing agricultural field to a dog walking facility. The proposed development would support the diversification of an existing agricultural business.

Access to the site would be taken from the adopted highway of Forest Lane into the field, which is surrounded by mature hedge planting. Internally, an approximate 1.9 metre fence would be erected to secure the facility and would include an element of landscaping to minimise its visual impacts where appropriate.

A total of six objections have been received with four from surrounding neighbouring residents, and objection comments from the Parish Council and a Ward Councillor.

The principle of the development is supported by Local and National Planning Policy. Subject to controlling conditions, the proposed development is considered to assimilate into the surrounding countryside and it is considered that there would not be a significant detrimental impact on the amenity of any neighbouring residents.

Subject to conditions restricting the number of customers using the facility at any one time, a condition in relation to the upgrade of the adopted strip and conditions in relation to the layout and appearance of the facility, no objections have been received from any Technical Consultees.

The proposal is therefore considered to be in line with general planning policies set out on the Development Plan and Members are therefore recommended to approve the application in line with the recommended conditions and informative.

**RECOMMENDATION**

That planning application 18/1064/COU be approved subject to the following conditions and informative:

- Time period for implementation;**
- 01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.  
Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 02 **Approved Plans**  
The development hereby approved shall be in accordance with the following approved plan:

**Plan Reference Number**    **Date on Plan**  
SBC0002B                      1 February 2019

Reason: To define the consent.

03    **Scheme for upgrade and Maintenance of Access**

Notwithstanding the development hereby approved, prior to the proposed development being brought into use, a scheme shall be submitted to and approved in writing for the upgrade and maintenance of the existing vehicular access. Following approval of the submitted scheme, the improvements shall be carried out in accordance with the approved details prior to the use commencing and shall be maintained for the lifetime of the development.

Reason: In the Interests of Highway Safety.

04    **Scheme for Internal details**

Notwithstanding the development hereby approved, prior to the proposed development being brought into use, a scheme shall be submitted to and approved in writing detailing the internal arrangement of the site to include the provision of; the requisite two vehicular parking spaces; provision of waste storage/collection method and frequency; and the position of the internal fencing to be installed. The development shall be carried out in full accordance with the approved details prior to the commencement of the proposed use.

Reason: In the interests of Highway Safety and the visual amenity of the surrounding countryside.

05    **Soft Landscaping**

Notwithstanding the development hereby approved, no development shall commence until full details of Soft Landscaping have been submitted to and approved in writing by the Local Planning Authority. The detailed soft landscaping planting plan and specification of works shall indicate a hedge to the southern boundary of the site and include the species of hedge plants, stock size, type, density and planting methods. All soft landscaping works shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority within the first planting season following the proposed use coming into operation unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to the intrinsic beauty of the open countryside.

06    **Restricted Customer Use**

Notwithstanding the development hereby approved, no more than one set of customers arriving in one car shall use the facility per booking, with no more than a maximum of eight dogs being on the site and utilising the exercise activities at the site at any one time. Details of the lockable gate and keypad activation code shall be submitted to and agreed in writing with the Local Planning Authority and shall be erected in accordance with the agreed details prior to the first use of the development.

Reason: In the interests of Highway Safety and to safeguard the amenity of the surrounding area.

## **07 Hours of Use**

The dog walking use hereby approved at the site shall be restricted to the hours of 08:00 to 20:00 on Mondays to Saturday and between the hours of 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of the surrounding area.

## **08 No External Lighting**

No external lighting shall be installed on the site or affixed to any structures on the site and no floodlights or other methods of illuminating the site shall be erected without the prior written consent of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of protecting the visual amenity of the open countryside.

## **Informative: Working Practices**

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

## **SITE AND SURROUNDINGS**

1. The application site relates to an agricultural field of approximately 1.32 hectares, which is currently used for the production of arable crops. The site is generally level and agricultural land surrounds the field on three sides with Forest Lane to the north. The application site is bounded by well established, mature hedgerow.

## **PROPOSAL**

2. The proposal is for the change of use of agricultural land to a dog walking field. This facility would provide a safe and secure dog walking area for dog owners to walk and exercise their dogs. The access to the site will be off Forest Lane, using the existing layby for parking. The dog walking area would be enclosed by an approximately 1.9 metre high wire mesh fence which would be placed internal to the surrounding boundary hedge and divide the current agricultural field in half.
3. The site would be used as a private dog walking field and will be available to customers for 30 or 60-minute periods. The dog walking field is proposed to be open during daylight hours only. There will be a maximum of eight dogs allowed per time slot. All bookings and payments will be made online and only one booking will be allowed per time slot.
4. Access to the dog walking field would be via a lockable gate. The pin code for the gate lock being issued as part of the confirmation of booking. This gate would be set back from the highway to allow vehicles to park off the road before opening the gates and entering the site. The onsite car parking area will include turning facilities to enable vehicles to enter and leave the site in a forward gear.

## **CONSULTATIONS**

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

### **Highways Transport & Design Manager**

#### **General Summary**

The Highways, Transport and Design Manager has no objections to the proposed change of Use of part of an agricultural field to a recreational dog walking field.

#### **Highways Comments**

The applicant has indicated, as shown on Site layout Plan - Rev C, that the site would be served from the access to Hill House Farm via an old section of Forest Lane which, whilst adopted highway, is effectively a redundant section of road.

Based on the speed limit of the main road (60mph) visibility of 2.4m x 215m would be required at the access to Hill House Farm in either direction however, a speed survey has been undertaken which demonstrates that the 85th percentile vehicle speeds are 40.26mph (64.80kph) eastbound and 42.77mph (68.63kph) westbound. Based on the observed vehicle speeds visibility splays of 2.4m x 120m in either direction would be required.

The visibility available in both directions from the existing access is in excess of the required 120m, measured from a point 2.4m back from the edge of Forest Lane, and is therefore considered to be acceptable.

Car parking would be provided within the site for one vehicle and the business would be operated utilising a booking system. The booking system would need to allow sufficient time between bookings to allow for a user to vacate the site prior to the next booking arriving however, this would not account for users overstaying their allotted time period or arriving early. Therefore in order to minimise the potential conflict between users the car parking provision should be increase to a minimum of 2 spaces. This requirement can however be secured by condition.

Based on the above there are no highways objections to the proposals. If the application were to be approved the access track is currently not to an acceptable standard and should be made up to a suitable standard. This should also be secured by condition.

#### Landscape & Visual Comments

Whilst the proposed type of fencing is acceptable, the proposed layout does not indicate accurately the location of the fencing in relation to the existing site hedgerow boundaries. These hedges must be retained as a feature of the landscape, and to provide some screening of the site. The proposed fencing should be offset from the hedge by approximately 1m.

#### **Environmental Health Unit**

I have looked at the documentation and I am happy with the principle to diversify this piece of land to a secured dog walking facility.

I believe that restricting the number of dogs per allocation slot to a total of 8 dogs (as applied for) and restricting the opening hours to Monday-Saturday 08:00-20:00Hrs and 10:00-18:00 Sunday's and Bank holidays, will reduce any disturbances to a reasonable level so as not to affect amenity to residential properties in the vicinity.

Subject to these conditions as below

#### Restricted Number of Dogs

Notwithstanding the development hereby approved, no more than 8 dogs shall take part in exercise activities at the site at any one time.

Reason: To safeguard the amenity of the surrounding area.

#### Hours of Use

The dog walking use hereby approved at the site shall be restricted to the hours of 08:00 to 20:00 on Mondays to Saturday and between the hours of 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of the surrounding area.

### **The Environment Agency**

No comments received.

### **Contaminated Land Officer**

Further to review of the above Planning application, we have no objection in relation to contaminated land and the proposed use, as it poses low potential contaminative risk to land and groundwater.

### **National Grid**

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder. I have enclosed a location map to show the location of National Grid high-pressure gas pipelines within the vicinity of your proposal and associated information below

National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Gas Pipeline, Overhead Electricity Line, Electricity Tower. I have enclosed a location map to show the location of National Grid's Overhead Lines within the vicinity of your proposal and associated information below.

### **Sabic UK Petrochemicals Ltd**

Many thanks for your planning notification application 18/1064/COU dated 30 May 2018. Please note that the proposed development (at approx. 920m from TSEP) will not affect SABIC/INEOS ethylene pipeline apparatus.

### **Ward Councillor Andrew Sherris**

I would like you to add my objection to this application on Highway Safety Grounds. At a recent Western Area Traffic Group Forest Lane was identified as a study due to increased traffic and speed using this as a 'Rat Run' through the village. I am therefore surprised to see the complete change around from our Highway colleagues and remain concerned that the speed survey undertaken was done outside peak times? I also note from neighbours about the closed lay by and the reasons why this was undertaken years ago etc.

## **PUBLICITY**

6. Neighbours were notified and a list of contributors and a summary of the comments received are detailed below. Contributors full comments can be viewed by following the link attached below.

<https://www.developmentmanagement.stockton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

### **List of Contributors**

Mrs Rosalie Butler 10 Ash Grove Kirklevington  
Mr J M Smith - Grove Farm Forest Lane  
Mr Richard Hodgson Manor Farm Forest Lane  
Mr Vinay Bedi & Ms Sandra Barke - Hill House Farm Forest Lane  
Mrs Clare Smith - High Forest Manor Forest Lane

Comments received have raised concerns that;

- the use of the adopted strip to access the site is dangerous in terms of highway safety and have claimed that the adopted strip was previously closed off due to it being dangerous.
- Matters relating to Public Health and the management and treatment of dog waste.

- increased nuisance noise as a result of the development
- the proposed site within the open countryside is an appropriate location.
- opening up the access would increase the likelihood of crime and disorder including matters such as fly tipping
- The level of consultation should have been greater than provided.

### **PLANNING POLICY**

7. 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.
8. 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**

9. 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.
- 10. 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**

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

#### **Strategic Development Strategy Policy SD4 - Economic Growth Strategy**

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.

### **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.

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.

### **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.

#### **Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land**

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

4. Development within green wedges will only be supported where:

- a. it would not result in physical or visual coalescence of built-up areas;
- b. it would not adversely impact on local character or the separate identity of communities;
- c. it would not adversely impact on recreational opportunities; and
- d. it would not adversely impact on biodiversity.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

### **MATERIAL PLANNING CONSIDERATIONS**

12. The main planning considerations of this application relate to the principle of development, the impact on the character of the surrounding area, the impact on the amenity of the surrounding neighbouring properties and land users and access and highway related considerations.

#### **Principle of Development**

13. The proposed development would be located within the open countryside and planning policies SD4, SD5, SD8 and ENV6 are applicable for the proposed development.

14. The submitted planning statement details that the proposed dog walking use is intended to diversify an existing agricultural business which currently extends to approximately 1.32 hectares (3.26 acres) of arable land. The submitted site location plan (SBC0001) illustrates the surrounding land ownership of the farming operation and the application site is grouped together with the surrounding agricultural use.

15. Point 18 of Local Planning Policy SD4 states that 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 provides opportunities for farm diversification. Taking account of the nature of the proposed development, it is considered to meet the requirements of this policy.

16. The proposed change of use would be located within an agricultural field to the south of Forest Lane. Local Planning Policy ENV6 seeks to protect the development of the most fertile of agricultural land. The application site is confirmed as being low grade agricultural land (grade 3 /4 – Moderate/Good to Poor) and the proposal is therefore considered to be compliant with point 5 of Local Planning Policy ENV6.

17. Subject to satisfying the impact on the surroundings as considered within the section detailed below, the principle of development is considered acceptable.

#### **Impact on the Character of the Surrounding Area**

18. Strategic Development Strategy Policy 5 (SD5) considers the impact on the natural, built and historic environment.

19. Part E of the policy supports 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. Part F of the policy seeks to ensure that any new development within the countryside retains the physical identity and character of individual settlements and part J of the policy seeks to ensure that development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where it would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape.

20. The proposed development would take place within an agricultural field that is surrounded by a large mature hedgerow. Operational development associated with the proposed use is limited to the erection of a 1.9 metre high timber post and wire mesh fence and air lock gate. Views external to the site towards the development site would be largely screened by the mature hedgerow. The section of fencing proposed at the southern aspect of the field would not be

surrounded by any existing hedge planting and it is considered that given the location within the open countryside, hedge planting within this location is necessary to mitigate any potential views onto the boundary treatment. The Council's Landscape Officer has considered the proposed development and has no objection to the proposal, subject to the hedgerow remaining in place and not being impacted by the installation of the fencing. The applicant has confirmed that the fence would be set off the boundary hedge and would allow suitable distances to allow satisfactory maintenance space for the hedgerow. A condition is also recommended to secure the exact location of the fencing and subject to the recommended conditions, the proposal would not result in any significant detrimental impact on the intrinsic character of the open countryside and is therefore considered acceptable in this respect.

### **Impact on the Amenity of Neighbouring Properties & Land Users**

21. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings.
22. The applicant seeks to operate from the site with up to 8 dogs at any one time. Whilst the figure of 8 dogs appears to be an arbitrary number, this is the number as applied for and the impacts of the proposal have been considered against this scale of the operation.
23. Furthermore, the Environmental Health Unit have considered the proposed use, taking into account the location and the potential for impact on any surrounding residential properties and neighbouring land users and consider that subject the number of dogs. It is their recommendation that the use be restricted to 8 and restricted operating hours protecting sensitive early morning and late evening hours are imposed. Officer has also researched other similar uses elsewhere in the country and 8 dogs is a commonly accepted number and also one which is deemed to have limited associated impacts on surrounding residents and properties.
24. A planning condition is recommended to control the number of persons using the site at any one time, limit the number of dogs and ensure that appropriate security is provided to control access to the site, ensuring that the overall usage remains at an acceptable level.

### **Highway Safety Related Matters**

25. It is noted that a number of objections have been received in relation to highway safety related matters and one objection has questioned the integrity of the speed surveys, given the limited time period that it was carried out. The Highways Transport and Design Manager has confirmed that the speed surveys meet the requirements of the guidance and are acceptable.
26. The proposed use would be accessed from the country road of Forest Lane and served from the entrance of Hill House Farm and via a redundant section of adopted highway. As detailed above, through the application process the applicant carried out additional speed surveys to observe traffic speeds along this section of Forest Lane. The Highways Transport and Design Manager has considered the proposed use and access, taking account of the speed of vehicles travelling along this section of the road and considers the visibility to be acceptable. Vehicular parking (2 spaces) would be provided within the site, although a condition is recommended for the proposed development to provide satisfactory parking spaces for two vehicles to allow for cross over periods between users of the facility. A condition is also required in relation to the upgrade and maintenance of the access track. Subject to the recommended conditions, the proposed development is considered acceptable in terms of access and highway safety related matters.

### **Other Matters Raised**

#### **Public Health related matters**

27. Consultation responses have raised the potential for public health related matters as a result of the nature of the use and the potential for dog waste making its way into the water supply, with the potential for spreading disease. Both the Council's Contaminated Land Officer and the Environment Agency were consulted on the application. The Environment Agency have made no comment on the application and the Contaminated Land Officer considers that the proposal 'poses low potential contaminative risk to land and groundwater.' Taking account of the comments received the proposed development is considered not to raise any significant public health related issues. In terms of managing dog waste at the site, it is considered that this would be a matter for the applicant to manage and to ensure suitable waste storage and its removal is managed to ensure the success of the enterprise.

#### Management of Facility

28. Whilst no specific condition is recommended in relation to the management of the proposed facility, it is considered that the successful operation of the facility is controlled via other planning conditions and it is for the applicant to manage its operation.

#### Crime and Disorder related matters

29. Comments received have suggested that bringing the adopted strip back into use would introduce the potential for criminal activity including anti-social behaviour and fly tipping. In terms of the adopted highway being used, the Highways Transport & Design Manager has no record of the adopted strip being closed to traffic (e.g. through a prohibition of driving order). The layby is therefore considered to be 'adopted highway' with no restrictions on vehicular access.

30. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Whilst there is no evidence to link such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement section and would not be a reason to warrant refusal of the application.

31. Residents have raised concerns that the proposal may lead to the need for flood lighting particularly during dark winter months. The application specifically details that the facility would only be used during day time hours and is also controlled through hours of operation conditions. Whilst it is acknowledged that during winter months, the latter operating hours would be during some hours of darkness, customers utilising the facility can operate hand held torches in this instance. Any required additional flood lighting would require planning consent although for the avoidance of doubt, a condition is recommended and controls in this respect.

32. Residents have raised the matter that the planning application should have been subject to a wider consultation. The case officer visited the application site and considered the consultation to be adequate prior to determining the planning application.

#### **CONCLUSION**

33. The principle of diversifying the agricultural business is supported by local planning policy and the nature of the use can be managed by specified time and number constraints to minimise the Impact on neighbouring inhabitants within the area. It is considered that the surrounding natural features will be retained resulting in the proposed use not adversely impacting on the surroundings. The Highways Section have no objections to the proposal, subject to the recommended conditions and it is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Economic Growth and Development**  
**Contact Officer Kieran Campbell Telephone No 01642 528551**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Tony Hampton</b>
<b>Ward Councillor</b>	<b>Councillor Julia Whitehill</b>
<b>Ward Councillor</b>	<b>Councillor Andrew Sherris</b>

## **IMPLICATIONS**

**Financial Implications: n/a**

**Legal Implications: n/a**

### **Environmental Implications:**

The impacts of the development on the environment with respect to its appearance and noise have been considered within the report and it is considered that there are no significant 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**

The National Planning Policy Framework  
Stockton-On-Tees Local Plan (Adopted 30 January 2019)