

DELEGATED

AGENDA NO 5

PLANNING COMMITTEE

UPDATE REPORT

2 June 2021

REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES

20/1063/FUL

Land North Of Holmewood Court, Aislaby Road, Eaglescliffe
Application for the erection of 14 no. lodges with associated pathways and parking.

SUMMARY

Since the original report to Members of the planning committee further clarification is provided in respect of the Environment Agency position and also an additional objection has been received. It is understood that this has been circulated to all Members of the committee but is enclosed for the public record.

It is considered that no fundamental new issues are raised and therefore the recommendation remains as set out in the original committee report.

CONSULTATION/PUBLICITY

Environment Agency -To date no formal representation has been received from the Environment Agency and whilst verbally no objection has been raised, it is considered that the recommended condition 22 would ensure that a satisfactory treatment is secured.

Further letter of objection - A further letter of objection has been received on behalf of twenty of the objectors. The letter can be reviewed in full in the appendix one of this report. A summary of the key issues raised have been included below;

1.Compliance with Local Plan and the National Planning Policy Framework (NPPF)

The proposed development is outside the Limits to Development as defined in the Local Plan. However the Local Plan will support tourism developments outside the Limits to Development where it "does not harm the character and appearance of the countryside". This condition is absolute – "does not harm" – however the "Landscape & Visual Appraisal" document submitted by the applicant (carried out by a professional landscape practice with over 20 years' experience) concludes that the effects of the development upon both landscape and visual amenity are "Adverse" ("a deterioration of the baseline situation") for six out of seven 'Receptor Groups'.

LPA Response; The question of 'harm' retains an element of subjectivity and will range depending on a variety of factors. Nevertheless, the Landscape and Visual Assessment fully considers the associated impacts. The receptor groups identified are from seven view points from ProW within the surrounding area

It identifies that one of the main reasons for the change in the landscape is due to "The access road, car park and lodges are the main element of change in terms of introduction of surface materials, new structures and intensification of use".

Suggested mitigation to minimise the impacts are also identified and include;

- Boundary screen planting (Native species hedge mix) to perimeter of site, in addition to existing boundary planting.
- Considered detailed design of lodges to ensure minimal landscape and visual impact.
- Considered design of site entrance to minimise visual impact
- Considered design and specification of all surface materials

It concludes that;

- The effects of the proposed development on visual receptors ranges from **minor** and **adverse** to **minor/neutral** and **adverse**
- Effects on visual receptors are generally restricted to the on the boundaries of the site.
- Receptors outside the site, including the Teesdale Way will be minimally impacted, with any potential impacts being greater when the existing vegetation is not in leaf.

In assessing the proposals, the Highways Transport and Design Manager, has reviewed the submitted Landscape and Visual Appraisal and was satisfied that the proposed development of the form and scale proposed, would not harm the landscape as such to support a refusal on these grounds.

Notwithstanding this, revised plans were sought and a reduction of 16 to 14 lodges proposed along with the extension of the southern site boundary to incorporate further landscaping to aid in the screening of the site.

2. The effect of the proposed development on the appearance and character of the rural surrounding

A previous application (14/2285/FUL) for the installation of a new driveway in the field immediately adjacent to the proposed development was Rejected in 2015 following appeal. Whilst appreciating that each development proposal must be considered on its own merits, the Government Planning Inspector's comments from the Appeal Decision document are highly relevant to the current Holiday Lodges proposal.

These comments relate to a simple proposed new driveway, at ground level, and were reached regardless of the SBC Landscape Officer raising no objections. Now consider the significantly larger proposed development in the adjacent field, comprising 14 holiday lodges and associated parking, pathways, lighting, and bin stores – this is immeasurably more intrusive, and the Planning Inspectors comments are even more pertinent.

LPA response; The previous application relates to a different site, proposal and was considered under the former NPPF and Local Plan. However, notwithstanding this it is appreciate that the fundamental principles of the policies EN7 and EN13 do not vastly differ in so far as to prevent harm to the open countryside. It should however be noted that there is no refence within the 2019 Local Plan to Special Landscape Areas (previously policy EN7). The dismissed access development related to a domestic use that did not represent a form of development supported within the open countryside by the former polices EN7 and EN13.

3. Retaining the physical identity, separation, and character of Aislaby village

A government Planning Inspector has previously concluded that a simple driveway causes material harm and is contrary to the specific provisions and the intent of the relevant Policies. It can therefore be very simply deduced that a significantly more intrusive proposal must also be harmful and contrary to these Policies (SD5).

LPA response; As set out above the proposed development, which is fundamentally different to the 2014 application, is to be considered under the recently updated NPPF (2019 and Local Plan

(2019). 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. It is considered that the siting of 14no. lodges of the nature proposed, subject to suitable controls through the recommended conditions, would not generate a degree of intensification which would undermine the character of the open countryside or create a landscape visual impact to a degree which a reason for refusal could be sustained.

Furthermore, it is not considered that the physical identity, separation, and character of Aislaby village would be fundamentally altered and it would retain a good degree of separation from surrounding settlements.

4. Noise impact on neighbouring dwellings

The concern of the neighbours within the letter in appendix one has been summarised into the below;

- Proximity of the lodges to the dwellings
- Caveats within the noise report
- Recommended conditions will not be adhered to
- Report does not reference paragraph 180 of the NPPF

LPA response; The relationship of lodges to the existing dwellings have been considered within the officer report. It is not unusual for supporting reports to be caveated in the manner done so.

The proposed development has been considered by the Environmental Health Officers, Police Liaison Officer and the case officer. Officers are satisfied subject to the recommended conditions, as well as controls through licensing and through Environmental legislation, that the amenity of those occupiers of the closest dwellings would not be adversely affected.

The comments from the objectors in relation to paragraph 180 of the NPPF area noted. 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, however for completeness paragraph 180 has been included below;

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

It is considered that the officers report addresses each of the above the points within paragraph 180. However for completeness, it is not considered that the proposal would be contrary to paragraph 180 and planning conditions are imposed Conditions 10 and 11 too ensure noise is kept to a minimum.

DIRECTOR OF FINANCE, DEVELOPMENT AND BUSINESS SERVICES
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

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Ward	Eaglescliffe
Ward Councillor	Councillor Stefan Houghton
Ward Councillor	Councillor Laura Tunney
Ward Councillor	Councillor Jaqueline Bright

Appendix One: Letter of Objection

Dear Planning Committee member

Re: SBC Planning Committee Meeting, Wednesday 2nd June 2021
20/1063/FUL : Land North of Holmewood Court, Aislaby Road, Eaglescliffe
Erection of 14 no. holiday lodges with associated pathways and parking.

We would like to bring four key points to your attention in relation to the above application. Based on these four points we consider the Planning Officer's report and recommendation to be flawed, and that the proposal should be Refused.

1. Compliance with Local Plan and the National Planning Policy Framework (NPPF)

The proposed development falls outside the Limits to Development defined in the Stockton-on-Tees Borough Council Local Plan (2019). The following extract is from Policy SD4 of the Local Plan:

"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."

The proposed development is outside the Limits to Development as defined in the Local Plan. However the Local Plan will support tourism developments outside the Limits to Development where it "**does not harm the character and appearance of the countryside**". This condition is absolute – "does not harm" – however the "Landscape & Visual Appraisal" document submitted by the applicant (carried out by a professional landscape practice with over 20 years' experience) concludes that the effects of the development upon both landscape and visual amenity are "**Adverse**" ("a deterioration of the baseline situation") for six out of seven 'Receptor Groups'.

2. The effect of the proposed development on the appearance and character of the rural surrounding

A previous application (14/2285/FUL) for the installation of a new driveway in the field immediately adjacent to the proposed development was **Rejected** in 2015 following appeal. Whilst appreciating that each development proposal must be considered on its own merits, the Government Planning Inspector's comments from the Appeal Decision document are highly relevant to the current Holiday Lodges proposal, specifically the following comments made by the Planning Inspector:

- "The area forms part of the Tees Valley Special Landscape Area (SLA) defined under saved Policy EN7 of the Stockton-on-Tees Local Plan (LP), which states that development which harms the landscape value of the SLA will not be permitted. This part of the SLA is characterised by attractive undulating landscape with fields bounded by hedgerows with trees and woodland ... that respects the character of the rural area and its topography.

The section of Aislaby Road where the new access would be located outside the development limits still retains much of the character of a country lane running through open countryside between hedgerows"

- “the new drive would form a prominent further domestic intrusion into the surrounding countryside, adversely affecting the character of the country lane and eroding the attractive rural landscape”
- “I conclude that the new driveway would cause material harm to the appearance and character of the rural surroundings that are designated as SLA in recognition of their special qualities. The effect would be contrary to the provisions of saved LP Policies EN7 and EN13 (which remain consistent with the National Planning Policy Framework), Stockton-on-Tees Core Strategy Policies CS3(8) and CS10(3.i) and the NPPF, which seek to protect the landscape quality of the SLA, resist development outside defined limits, make a positive contribution to the area, protect the openness and amenity of strategic gaps, and recognise the intrinsic character and beauty of the countryside”.

These comments relate to a simple proposed new driveway, at ground level, and were reached regardless of the SBC Landscape Officer raising no objections. Now consider the significantly larger proposed development in the adjacent field, comprising 14 holiday lodges and associated parking, pathways, lighting, and bin stores – this is immeasurably more intrusive, and the Planning Inspectors comments are even more pertinent.

3. Retaining the physical identity, separation, and character of Aislaby village

Policy SD5 of the Stockton Borough Council Local Plan (2019) states:

- "To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will... Conserve and enhance the natural, built and historic environment through a variety of methods including Ensuring any new development within the countryside retains the physical identity and character of individual settlements ... an important consideration will be to ensure that a sufficient gap is always maintained between settlements so that they are still perceived as being separate"

As described in item 2 above, a government Planning Inspector has previously concluded that a simple driveway causes material harm and is contrary to the specific provisions and the intent of the relevant Policies. It can therefore be very simply deduced that a significantly more intrusive proposal must also be harmful and contrary to these Policies.

4. Noise impact on neighbouring dwellinghouses

The boundary of the proposed development is less than 50m from the edge of the site to the edge of the boundary of the closest residential dwellinghouse, and multiple other dwellinghouses are located within c.100-130m of the proposed development. The site of the proposed development is elevated in comparison to most of these dwellinghouses, further increasing noise travel.

The Noise Impact Assessment (NIA) Report dated 12th April 2021 conducted by Idea Energy Services on behalf of the applicant has material limitations. The disclaimers in the report clearly state that **they cannot guarantee the accuracy or correctness of any interpretation they make**. They also clearly state that the findings and opinions expressed in the report are relevant **only to the dates of the site works and should not be relied upon to represent conditions at a substantially later date**.

The report only assesses the impact of External Plant and does not take account of the human factor and additional noise from potentially 27 vehicles (capacity of the car park). At full capacity, the Lodges (based on published specifications) could accommodate a total of up to 84 people and the noise from this number of holidaymakers is not considered in the NIA report or anywhere else in the application.

Each lodge has an outside amenity identified so if 84 people sit outside the lodges the noise would be extremely intrusive. In addition, there is the potential for antisocial behaviour which would add to increased noise levels.

The NIA Report states that **there is potential for noise from the proposed plant to cause adverse impact on surrounding noise sensitive receptors** (including multiple dwellinghouses).

This is an admission that the holiday lodges themselves require measures and restrictions placed on them to ensure that they do not have an adverse impact on surrounding properties.

Michael Fearman, Senior Environmental Health Officer for SBC, commented (13th April 2021) there shall be no music heard beyond the boundary of the site and any noise from the premises shall not cause a disturbance at nearest residential premises in addition to dealing with antisocial behaviours. The applicant responded by stating that the site will have a strict policy against anti-social behaviours e.g., loud music with all guests expected to be in their lodges by 10 pm. The Planning Officer has proposed conditions including:

- “Any noise from the premises shall not cause a disturbance at the nearest residential premises.
- There shall be no music heard beyond the boundary of the site.
- There shall be no outside seating beyond 10pm”

Given the numbers of Lodges, People, and additional traffic, and the topography and proximity of the site to nearby dwellinghouses, the first two bullets above are simply impossible to be adhered to or enforced. The third bullet point is simply not credible – it will be impossible to impose a curfew on tourists sitting outside after 10pm on a warm summer evening!

Paragraph 180 of the NPPF (2019) states that planning decisions **must**:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- **identify and protect tranquil areas which have remained relatively undisturbed by noise** and are prized for their recreational and amenity value for this reason

The Planning Officer appears to have disregarded this national policy entirely as there is no mention of it in the report.

Paragraph 180 is highly relevant; the site of the proposed development is currently undisturbed by noise from people that would otherwise undermine the intrinsic tranquil character of the area. The village and the surrounding area currently provide a sense of peace and quiet and a positive soundscape where natural sounds such as birdsong are generally more prominent than background noise, e.g. from transport and people.

This tranquillity should be protected in accordance with NPPF paragraph 180.

Summary

Contrary to the Summary recommendation in the Planning Committee report, the information we have provided above clearly demonstrates that the proposal is **not compliant** with relevant policies of the SBC Local Plan and the NPPF.

We are grateful for you taking the time to read this email and now ask that you act in accordance with the relevant SBC and NPPF policies, in the interests of the community of Aislaby and the people for whom you have been elected to serve, and vote against this proposal.

No response to this email is necessary or expected, but we would be very happy to discuss further if you have any queries – reply to this email and one of the parties listed below will contact you.

Appendix Two: Inspector Decision Application Ref 14/2285/FUL



Appeal Decision

Site visit made on 24 February 2015

by **C J Checkley BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 March 2015

Appeal Ref: APP/H0738/W/14/3000570

Aslak, Aislaby, Eaglescliffe, Stockton-on-Tees, Cleveland, TS16 0QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jordan against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/2285/FUL, dated 22 August 2014, was refused by notice dated 16 October 2014.
 - The development proposed is *installation of new driveway to serve existing property*.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed new access and driveway on the appearance and character of the rural surroundings.

Reasons

3. The small settlement of Aislaby stands either side of Aislaby Road on the lower northern slopes of the Tees Valley. An informal private road leads southwards at a tangent off Aislaby Road, changing gradient and direction along its route, and serves as the access to 3 detached dwellings set in mature gardens on the edge of the settlement adjoining open countryside. The appeal property, Aslak, forms the last dwelling at the end of the private road and stands within a large rectangular garden.
4. Beyond the houses, the appellant owns two fields outside the limits to development at Aislaby that rise northwards up the valley slope to Aislaby Road. The lengthy new driveway is proposed across this open land.
5. The extensive undulating valley slopes below Aislaby Road, including the dwellings and their gardens and open land over which the new driveway would be constructed, all form part of the Tees Valley Special Landscape Area (SLA) defined under saved Policy EN7 of the Stockton-on-Tees Local Plan (LP), which states that development which harms the landscape value of the SLA will not be permitted. This part of the SLA is characterised by attractive undulating landscape with fields bounded by hedgerows with trees and woodland, in which

the more sensitive man-made elements have an informal nature that respects the character of the rural area and its topography.

6. The section of Aislaby Road where the new access would be located outside the development limits still retains much of the character of a country lane running through open countryside between hedgerows, despite the short drives serving Orchard House and The Gables having introduced suburban domestic features. The existing farm gate providing a low-key and unobtrusive agricultural access through the hedgerow into the field is in keeping with the rural landscape. It would, however, be replaced by a wide tarmac entrance with kerbed radii with the hedgerow set further back to provide visibility, and with the wooden gate also set back between 2 brick pillars. The driveway itself would be a 4m wide tarmac carriageway with drainage channels, cutting straight across the two open fields some 145m down the slope to the rear garden of Aslak.
7. In combination, the new access and tarmac drive would form a prominent further domestic intrusion into the surrounding countryside, adversely affecting the character of the country lane and eroding the attractive rural landscape. Although the proposed new hedgerow and trees would in time soften its obtrusive effects, the suburbanising effect of the development upon the character of the landscape would remain apparent, also giving the resulting parcels an appearance akin to plots awaiting development. The fact that the Landscape Officer raised no objections does not alter my findings.
8. I conclude that the new driveway would cause material harm to the appearance and character of the rural surroundings that are designated as a SLA in recognition of their special qualities. The effect would be contrary to the provisions of saved LP Policies EN7 and EN13 (which remain consistent with the National Planning Policy Framework), Stockton-on-Tees Core Strategy Policies CS3(8) and CS10(3.i) and the NPPF, which seek to protect the landscape quality of the SLA, resist development outside defined limits, make a positive contribution to the area, protect the openness and amenity of strategic gaps, and recognise the intrinsic character and beauty of the countryside.
9. The reason given for the application is the creation of a safer access to Aslak. The new access would be outside the 30 mph zone but would achieve acceptable visibility for the recorded speeds. The existing shared private road has a tangential junction with Aislaby Road, so that vehicles exiting westwards have reduced visibility and initially need to encroach onto the opposing side of the road. Against that, traffic levels and speeds within this 30 mph zone appear low and there is no evidence of personal injury accidents at the junction.
10. In net terms vehicles ceasing to use the existing shared road and instead solely using the proposed new access to reach Aslak could experience a minor increase in highway safety. However, there is no mechanism before me to ensure that the existing road serving Aslak would not continue to be used by some residents, visitors or deliveries. The other houses would in any case need to continue using it. Therefore, I find the highway safety benefits would be limited and not sufficient to outweigh the clear-cut objections. Therefore, this appeal must fail.

C J Checkley
