

Parish: Great Ayton

Ward: Great Ayton

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Committee Date : 21 October 2021

Officer dealing : Ms Helen Ledger

Target Date: 9 July 2021

Date of extension of time (if agreed): 13 August 2021

21/01370/FUL

Change of use of land for the siting of a modular building club house (to be used as a facility by lodge park guests, as well as for weddings and private functions), alterations to siting and appearance of siting and appearance of approved lodges, new car parking area and retrospective formation of tiered outdoor seating, outdoor beach area, cinema screen, wedding pergola, internal roads, and all other hard and soft landscaping and associated works - as amended by Hambleton District Council 04.10.2021.

At: Strawberry Fields Pannierman Lane Great Ayton Middlesbrough

For: Mr A Platts.

This application is brought to Planning Committee owing to the complexity of the case and number of representations made.

1.0 Site, Context and Proposal

- 1.1 The application site is located approximately 1.2 km to the north west of the built up area of Great Ayton. It is sited close to a roundabout, where the A172 (Pannierman Lane - Nunthorpe to the north and Stokesley to the south) meets the B1292, which heads east to Great Ayton. The site is accessed off Pannierman Lane, which currently serves a dwelling with what appears to be an associated holiday cottage. These are set behind planting and a large gate along the A172, which limits views into the site.
- 1.2 Within the site, looking east, the site is seen in the context of the wider countryside, with distant views of Roseberry Topping. However, the site itself appears generally well contained from the wider area, with landscaping particularly strong along the southern and eastern boundary. The northern boundary is more exposed, which runs parallel with the B1292.
- 1.3 This application is for the change of use of land for the installation of a modular building (30m x 15m) along with other consequential changes and ancillary structures and facilities associated with the use. This includes changes to the position and design of five previously approved lodges along with the retrospective formation of tiered outdoor seating, outdoor beach area, cinema screen (screen size 4032mm x 2304mm), wedding pergola, internal roads, and all other hard and soft landscaping. A small extension to the existing ancillary storage shed is also proposed, 9250mm x 3800mm.
- 1.4 The application is in part retrospective as a range of infrastructure and paraphernalia is already on site. The applicant has previously erected a large white oblong marquee on site under the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 allows the marquee to be erected for up to 56 days of the year until 31st December 2021. This marquee has been used for events over recent months and this use has been subject complaints to the Council's Environmental Health and Planning Enforcement Services. The Marquee was still on site at the time of the last officer site visit on 16.09.21, and it is understood from the agent that this structure has now been removed.

1.5 The application was first submitted for the permanent siting of the marquee, however under negotiation with the applicant/agent this has been amended to propose a more permanent structure. This amendment along with wider revisions to landscaping and the submission of a noise assessment formed part of a second round of public consultation, the second commencing on 05.10.21. Consultee and public comments received after the officer report deadline will be reported on the update list.

2.0 Relevant Planning History

2.1 18/02453/MRC - Application for variation of condition No: 3 (approved plans; elevations SQ-0799-01-2 and floor plan layout SQ-0799-01) attached to previously approved application 16/00915/FUL - Construction of 10 no. holiday lodges, recreational pond and internal road layout - Granted

2.2 16/01915/FUL - Construction of 10 no. holiday lodges, recreational pond and internal road layout - Granted

2.3 20/00937/FUL - Siting of 6no. holiday lodges, and 2no. Solardome pods; and the extending of the internal access drive - Granted 20.08.2020

3.0 Relevant Planning Policies

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP38 - Major recreation

National Planning Policy Framework

4.0 Consultations

4.1 The application was subject to two rounds of public consultation, the second commencing on 05.10.21.

4.2 Great Ayton Parish Council - Having received several complaints from residents Great Ayton Parish Council expresses concern regarding application 21/01370/FUL that the permanent siting of a marquee in the Panniermann Lane / Strawberry Fields

location will be entirely out of keeping with the rural setting and as such it should be considered as a temporary structure which is to be dismantled after each after use.

- 4.3 NYCC Highways - No final comments received on the first consultation as more information sought on:
The approximate number of guests expected to attend events; and
The quantity of event car parking proposed.
- 4.4 Environmental Health - Having reviewed the supporting information submitted by the applicant. The marquee is already on site and in use. The Environmental Health Team have received several noise complaints from amplified music during events at the marquee. The applicant has not provided details to demonstrate how the breakout of amplified music or acoustic instruments from the marquee will be controlled to prevent the likelihood of further noise complaints. Therefore, in the interest of the amenity, the Environmental Health Team would recommend refusal.

Further comments of the Environmental Health Officer awaited at the time of writing and will be reported to Committee through the Update sheet.

- 4.4 Contaminated Land - The applicant has submitted a Preliminary Assessment of Land Contamination (PALC) which have not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. No objections.
- 4.5 NYCC Footpaths - There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.
- 4.6 Natural England - no comments, standing advice referred to.
- 4.7 Site notice posted and neighbours notified. 56 representations received, the following is a summary of the issues raised.

SUPPORT - 34 individual representations

- It is the most beautiful, clean, smart and modern venue
- It is situated in a gorgeous part of the country with the most amazing views
- A much-needed addition to this area and opportunity for local business/employment/industry supply
- An ideal venue for the location and also great for the local area
- It's about time we had a venue on our door step instead of having to travel miles and miles away
- Great benefit to the area and add something extra to an established business for the use of locals and tourists alike
- Brings interest to the area
- Benefit the area re jobs for the area in the current climate
- love the place, would go again
- This will boost the economy in this area, excellent facilities
- It has been created employment in the local community and is supporting business(s) nearby

- A fantastic location and a great use of the space. Very few areas around Middlesbrough that can cater for the events
- Lodges are high quality unlike anything else in the area
- It only enhance the facility, the vicinity and the visitor experience
- Staycations are more popular due to current restrictions so having more availability in the area would be fantastic

It is noted that in the majority the representations made in support have been received from members of the public residing outside the district.

OBJECT - 22 individual representations

- Object to noise emanating from the site.
- Having recently experienced a 24 hour music event, it is unacceptable that this could become a regular and bigger event.
- No thought has been given to local residents.
- In danger of destroying our village heritage.
- Strongly object to music events being held in a tent so close to my home.
- Why does Roseberry View Lodge Retreat need a permanent fixed Marquee?
- Will these activities need a licence in particular for music?
- How long will the music last and how loud will it be?
- What sound effects will there be on nearby properties?
- There are a number of businesses in the Great Ayton that already provide similar entertainment.
- Noise, particularly at night carries significant distances. Music from a recent event was clearly audible from properties on the western side Great Ayton village, c1,000 m away.
- Support for this planning application appears to be from non-local people, they would not be effected by the noise pollution
- There needs to be more stringent regulation of noise from events in the open countryside.
- The venue will attract people from outside the area including which will not attract additional business to HDC.
- No objection to the original planning application for holiday loges which fits well in this rural location, but this
- development is now more akin to a beach bar in Ibiza rather than a tranquil retreat.
- Not a suitable location for a party venue and this application should be refused.
- The location could encourage ribbon development and eventually "join up" Great Ayton with Nunthorpe. To maintain a reasonable green belt Great Ayton should not be developed to the north.
- Future concern, if the development should fail will there be an opportunity for a housing development on the site ?
- Music events should be held in suitably constructed buildings, it is not possible to soundproof a tent.
- Great Ayton is a quiet rural village, surrounded by open countryside and famed for its views and tranquil location. Sound and light pollution (open air cinema) can travel significant distances across open fields, especially at night.
- Surrounded by small farmsteads, riding stables, an RSPCA centre, boarding kennels and a deer park. If approved, this proposal will cause significant ongoing distress to wildlife and animals.
- Goes against NPPF social role in that it will not 'support community needs, health, social and cultural well-being' also environmental role, 'contribute to protecting and enhancing the historic environment, planning policy should promote leisure developments that benefit rural areas and protect the character and appearance of the countryside.'

- Highways impact would meet the NPPF definition of severe cumulative impact.
- They regularly have events lasting till 11pm at night, can't sit in out garden. Noise travels easily due to lay of land.

5.0 Analysis

- 5.1 The main considerations are; i) the principle of the proposed development; ii) design and impact on the countryside including long distance views and the character of the local area; iii) highway safety and iv) amenity.

Principle

- 5.2 It is noted NPPF paragraph 83 gives support for all types of business and enterprise in rural areas; by diversification of land-based businesses and sustainable rural tourism and leisure developments that respect countryside character. Paragraph 84 acknowledges that some sites may be beyond existing settlements and not well served by public transport. In supporting such locations careful consideration is required to ensure it is sensitive to the local environment and local highway infrastructure and exploiting opportunities to make the site more sustainable.
- 5.3 The site has an established consent for a holiday lodge park including some ancillary facilities such as the sauna, car parking and lakeside platform. However, the change of use of land for hosting events on site is a new use, not covered by the existing permissions. The proposal is presented as providing a club house facility for guests with a range of other on-site structures, such as the tiered seating and beach bar area, which are more aligned with wider events; such as weddings and music events which would not be ancillary to the holiday use. It is clear the building proposed could provide for both purposes, and the principle of an ancillary 'club house' has been accepted on other similar sites with lodge type accommodation; where it could used by groups of friends or family who may want somewhere to congregate all together.
- 5.4 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.
- 5.5 The site is located outside of the settlement boundary of Great Ayton and within open countryside, as such policy CP4 is relevant. Policy CP4 states that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications. These relate to where:
- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
 - It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
 - It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
 - It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
 - It would make provision for renewable energy generation, of a scale and design appropriate to its location;
 - It would support the social and economic regeneration of rural areas.

- 5.6 The development of wedding venues in the countryside has previously been established through other permissions granted elsewhere in the district, provided amenity affecting factors, such as noise and traffic, are adequately controlled. It is understood such activities generally require unique and attractive settings, such as a rural site, to offer a particular event experience. In this case it is noted that the site has an attractive setting around a man-made lake and long distance views of the Cleveland hills. Such event activities could meet the requirements of the first element, part i) of policy CP4. Although the offer on site, such as a 'beach bar' and the events planned; Christmas Markets and Apre Ski events, do not have an easy link to the countryside location and it's local inherent qualities.
- 5.7 The advice from the agent is that visitor numbers will vary depending on the type of event and could be between 25 to 100. It is noted that there are a total of 6 bed spaces per lodge and 15 lodges (including the five now proposed) on site providing a theoretical on site demand of 90 people. Fire regulations set occupancy standards for this type of use and given the minimum exit opening sizes, this is anticipated to be in the region of 200 people as a maximum for a venue use of this nature and size, 450 sqm.
- 5.8 As stated the LPA has supported amenity or 'club house' type facilities for holiday lodge/pod sites previously. In considering these, the size of the amenity building has been generally commensurate with the number of lodges on site. For example:
- 20/01831/FUL Ainderby Steeple, Sedgewell Barn has 9 pods, and an amenity building of 116.6sqm formed in an old converted agricultural building.
- 18/02590/FUL Watermill, Carlton Minott, Thirsk has 157 lodges and on site restaurant and leisure facilities of 1232sqm and open to non-visitors
- 13/00926/FUL - Whinstone View Bistro and Lodges, Great Ayton has an established holiday park for 30 touring pitches, 11 lodges and restaurant and in 2013 was granted consent for a function suite of 192 sqm, although this is in addition to the on site restaurant.
- 5.9 This proposal would provide 450 sqm of space, and possibly almost double this if the glazed structure on the roof is to be used as part of the venue. This has been confirmed and a first-floor plan submitted. It is considered that the size and scale of development and the change of use to hold the events proposed is not suitable nor commensurate with the rural location and the wider use of the site, and that the interpretation of policy CP4 in providing an enterprise with an essential requirement to be located in the countryside is not met. Therefore, this application fails as a matter of principle.
- Design
- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The National Planning Policy Framework supports this approach and, at paragraph 134, states that planning permission should be refused for development that fails to respect local design policies. Paragraph 130 of the NPPF states that Planning policies and decisions should ensure that

developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 39 c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.12 The amended proposal has replaced the marquee with a modular building which it is stated will feature noise insulation. The structure is oblong 30m x 15m but clad in Eurocell Spiced Oak Composite Slatted Cladding Board. Glazed rails to roof could support use of this exterior first floor space also. It would be located at the nearest end of the lake to the access and described as 'rounding off' the development. New lodges are proposed to be relocated either side with a similar external finish.
- 5.13 Policy DP30 protects the countryside for its own sake and its intrinsic qualities. The landscape is generally flat and enclosed by field boundaries, notably hedges. Long distance views of the Cleveland hills are common but on occasion less of the immediate foreground is generally visible. The site is well contained save the northern boundary. It is noted that enhanced planting would bolster this screening, which is welcomed, as well as that within the site. The revised details propose a planting scheme of cherry trees adjacent the pedestrian routes and to the north of the proposed club house, seating area and beach bar. The new landscaping is welcomed and supported by policy DP33. However, the proposal would create a uniform scheme of a single species only. A public right of way runs through the edge of the site and while unaffected, would give a closer view of the development. The modular scheme combined with the closely located additional 5 lodges, would have a significant impact on the character of the site.
- 5.14 Policies on design, DP32 require design to respond to and respect local character. The location of the new club house and new lodges would respond to the existing layout of the site and be contained by the boundaries to help limit the impact. The ancillary structures and features, eg pergola, beach bar, tiered seating, would now be more contained by the site layout but views into the site, particularly from the public right of way, would be affected. The design of the clubhouse is modular and contemporary but fails to respond positively to the character of the area, in particular owing to the absence of a traditional roof form and the inclusion of an open first floor area. The design of the building is considered to be harmful to the rural character and appearance of the area.
- 5.15 In conclusion, it is considered that the design and massing of the proposed development is inappropriate to this rural location and will have a harmful impact on the landscape character of the area and as such fail to accord with the requirements of DP30 and DP32 and the tests set out in paragraph 130 of the NPPF.

Highways

- 5.16 At the time of writing the highways authority has yet to consider the impact on highway safety due to the limited information available. More information on highway comments will be provided through the update sheet. On the previous application for

6 new lodges, made in 2020 under ref: 20/00937/FUL, the highways authority made no objection subject to a condition relating to the provision of access turning and parking. In the new submitted details it has been clarified that guest numbers can be expected to be between 25-100, depending on the type of function. The applicant and agent have stated that external guests tend to arrive by taxi/or mini-bus meaning provision for on-site parking is limited in the revised plans.

- 5.17 Policies DP3 and DP4 require development to offer sustainable alternatives and the provision of access for all. It is understood guests have on previous events travelled together sharing vehicles. The site is flat and level and can be arranged to provide access for all.
- Amenity
- 5.18 Policy DP1 seeks to protect local residential amenity, which includes protection from impacts such as noise, light, privacy and disturbance.
- 5.19 The site is within the countryside, the nearest non associated dwelling is Cook's View over the A172 to the west, approximately 140m away. A caravan site 237m to the east was also identified as a close receptor. Adjacent the site are several dwellings owned or resided in by family members of the applicant. Given this relationship the assessment discounts these dwellings.
- 5.20 As is very clear through the consultation exercise, the noise impact is a significant feature of this proposal, which would allow events with external visitors to the site. At the time of writing the Environmental Health officer has not been able yet to respond to the re-consultation exercise. Their comments will be added to the update sheet in due course.
- 5.21 A noise assessment has been submitted, which considered the surveyed background noise over a three day period (12:00 on Friday 10 September to 12:00 on Monday 13 September 2021) against three areas identified as receptor locations where monitoring equipment was set up. On Saturday 11 September there was a birthday party on the beach area with external noise. It began at 19:00 hours and finished at 23:00 hours. Approximately 70 people were in attendance and there was amplified music to a level deemed adequate by management.
- 5.22 The noise assessment report also covers seven events planned should a further temporary permission be granted to reinstate the marquee. It is anticipated that a future application will be submitted separately to deal with this matter and it is not covered in this report.
- 5.23 The core recommendations of the report are:
- The report concludes that the proposed 'club house' shows an external wall reduction of 40dB. Music noise should be kept to levels "reasonable for dancing", and not generally higher than 90dB(A).
 - Higher level "discotheque" type events should be avoided except on special occasions.
 - Windows and doors should be kept closed during musical events, even on hot summer nights and ventilation provided by other sound attenuated means.
 - It recommends angling speakers away from the edges of the building and into the room the use of sound limiters and set to ensure that the noise level does not exceed approximately 85-90 dBA (LAeq,T) at any openings in the building envelope.
 - Periodic noise monitoring at receptor sites
 - Outdoor events to be ceased at 23.00

- 5.24 An accompanying noise management plan has been submitted, which has been prepared for a licencing review, and sets out how the site can be managed based on the above assessment. This also could be used to control the noise emanating from the site through a planning condition.
- 5.25 Notwithstanding this position, although clearly subject to the Environmental Health Officer's response, there remains concern about the nature and scale of the building proposed and as such the likely noise and disturbance resulting from the use of the site including the inclusion of the external first floor and the impact of vehicles entering and leaving the site at antisocial hours. It is considered that the scale and form of the development will lead to a harmful impact on neighbouring residential amenity. A further up-date on matters pertaining to the noise impacts will be provided through the update.

Planning balance

- 5.26 It is evident that a new club house building could be permissible on site for the guests residing in the lodges and the Council has granted such consents in the recent past. However, in this case the nature of the offer proposed along with the size and scale of the proposal are considered not to comply with policy CP4 and policy DP30. The noise impacts have been moderated through the change from a marquee to a modular building with some landscaping. However, the design remains a large oblong with extensive glazing which fails to respond to the locality in terms of local distinctiveness. Landscaping is somewhat limited to single species only and the identified market for events sits uneasily with the tranquil countryside setting with long distance views into the site. It is considered this proposal will have a harmful impact on the character of the countryside and that the application has not adequately proven an essential requirement for a rural location.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the reasons set out below:

The reasons for the above conditions are:-

1. This proposal cannot accord with the principles of the development plan policy CP4 and Development policy DP30 and DP32 by virtue of the location and the nature of development proposed and as such is considered to be an unacceptable and unsustainable form of development in the countryside. The proposed development is considered to have a harmful impact on the character and enjoyment of the countryside and fails to meet the quality standards for development set by DP32 of the Local Development Framework and the tests set out in para 130 of the NPPF.
2. The proposal would cause harm to the amenity of the local community due to uncontrollable noise impacts from the operation of the function venue, including outside activity, amplified noise and noise and disturbance resulting from vehicles entering and leaving the site at unsociable hours. The proposed development would be contrary to the Policies CP1 and DP1 of the Local Development Framework.