

Parish: Great Ayton

Ward: Great Ayton

6

21/02937/FUL

Committee Date : 7 April 2022

Officer dealing : Ms Helen Ledger

Target Date: 3 February 2022

Date of extension of time (if agreed):

Alterations to siting and appearance of approved lodges and car parking area, construction of outdoor seating, outdoor beach area, cinema screen and pergola. Internal road layout and all other hard and soft landscaping and associated works..

At: Strawberry Fields Pannierman Lane Great Ayton Middlesbrough

For: A Platts.

The application is brought to Planning Committee owing to the public interest in the proposals.

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 'Stawberry Fields' and two other dwellings, Rhubarb cottage and Pear Tree cottage, it is understood occupied by family members of the applicant. Another building onsite serves as an office. These are set behind planting and a large gate adjacent the A172.
- 1.2 Within the site, looking east, the site is seen in the context of the wider countryside, with distant views of Roseberry Topping. A public right of way runs through the site from the western access point and along the southern edge then onwards towards Great Ayton to the east. From the west the site itself appears generally well contained from the wider area, with landscaping formed by large evergreen trees to this boundary. The northern boundary is more exposed, which runs parallel with the B1292, 170m to the north.
- 1.3 This application is for changes in the design and siting of five previously approved lodges and new car park alongside the retrospective installation of tiered outdoor seating, outdoor beach area, wedding pergola, internal roads, and all other hard and soft landscaping, including an extension of the existing storage shed. The outdoor cinema screen element has been removed from the application.
- 1.4 The application is largely 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. This marquee has been used for events during 2021 and this use has been subject to complaints to the Council's Environmental Health and Planning Enforcement Services. At the time of the officer site visit in January 2022 the large marquee was not in position however a smaller white tent with a cone shaped roof was in place.

- 1.5 The application was first submitted in May 2021 for the permanent siting of the marquee, however under negotiation with the applicant/agent this had been amended to propose a more permanent structure. This amendment along with wider revisions to landscaping and the submission of a noise assessment were presented to planning committee in October 2021 and refused, the reasons are detailed in Section 2.5 below.
- 1.6 It is Officers' opinion that the proposal before members now, by virtue of its nature and built facilities already in position, has materially enacted a change of use of the site to an events venue. In particular, the features pertaining to the use of the site as a destination events venue would include the tiered seating, pergola or bandstand and wedding archway in conjunction with the tiered seating. The beach area may be considered incidental to the use of the site as a lodge park, however events paraphernalia such as DJ booth may not. These features are considered in their primacy to be used for the holding of external events rather than the use of the site solely as a holiday lodge park. Officers advised the agent by letter on 16 February 2022 of our opinion regarding the above change of use.
- 1.7 For the purposes of permitted development it is the position the Council that the time period of 28 days allowed by legislation begins when any structures associated with the temporary change of use are in position. In this case these would be those features outlined above, which have been in position since the initial officer site visit on 16 June 2021 made in connection with the previous planning application, 21/01370/FUL. The permitted development time period has therefore already expired for 2022 at this time. At the time of writing the agent/applicant has not responded formally to the letter detailed above.

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
- 2.4 Planning Enforcement case no. 21/00279/CAT3 - Erection of Marque and associated wedding event structures - case open.
- 2.5 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 - Refused for two reasons:

R1 - 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 and scale 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.

R2 - 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.

3.0 Relevant Planning Policies

3.1 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.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy EG3: Town Centre Retail and Leisure Provision
Local Plan Policy EG7: Businesses in Rural Areas
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy S5: Development in the Countryside
National Planning Policy Framework

4.0 Consultations

- 4.1 Great Ayton Parish Council objects to application 21/02937/FUL;
- The construction of outdoor seating, outdoor beach area, cinema screen and pergola is out of keeping with the rural setting.
 - The proposed modifications would change the original purpose of the venue from being a quiet holiday retreat to become a destination for outdoor entertainment events.
 - The potential for noise nuisance remains where crowded events are permitted & the music levels would ultimately cause harm to the amenity of the local community due to uncontrollable noise impacts.
 - The venue is sited in a position such that sound travels clearly to nearby residential properties both in the rural setting and the main village itself.
 - Great Ayton Parish Council has received numerous resident complaints regarding noise nuisance from past events being held at the Strawberry Fields venue.
 - With the above in mind Great Ayton Parish Council requests that this application is referred to the HDC Planning Committee for consideration

- 4.2 NYCC Highways - Require the applicant's agent to provide further details which will describe the traffic movements associated with the proposals and show that the existing access arrangements onto the A172 area will be sufficient. The level of parking to be provided on the site should also be demonstrated to be adequate for the proposed use.
- 4.3 Environmental Health - Having reviewed the documents submitted as part of the planning application and have concerns about the impact on amenity from noise on neighbouring properties. In 2021, this department received complaints regarding noise from events held on site at Strawberry Fields. Complaints were regarding loud music from the site from specific events. This has also been relayed in resident objections to the application.

It is apparent that the site is being used by customers of the holiday lodges and external customers, changing from the site's initial development as a holiday lodge site to a destination events site. Outdoor entertainment has a greater potential to impact the amenity of nearby residents due to the difficulty in controlling, which has already occurred from the previous events to date. Officers have witnessed music noise at residential properties close to the site, the 3-day music event in July 2021 could be heard 1.5km away in the Great Ayton village. The proposals relate to external features of the site, which are perceived to be encouraging and allowing for just outdoor entertainment.

The holiday lodges are large and are advertised as sleeping up to 8-people. With the existing lodges on site this would be 80 people residing on site. The additional 5 lodges would increase this to 120 people residing in the holiday lodges on site in total, when fully occupied. By the site proposing external entertainment features, it is likely that these lodges would be hired out and promoted as a 'package' to accompany events; again, demonstrating this change from a holiday lodge site to a destination events site.

The applicant has provided no information about how any of the proposed elements of this application are going to be used and managed; forgoing any information about how the impact on amenity to neighbouring properties will be minimised. The lack of information at this time, would conclude recommending refusal of the applications.

- 4.4 Northumbria Water - Informative only, advise that a strategic water main crosses the site near to where the event car parking and extension to the services shed is proposed. Northumbrian Water do not permit a building over or close to our apparatus. NW will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.
- 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. Advice provided on actions necessary if PRoW is affected permanently or temporarily.
- 4.6 Natural England - no comments, standing advice provided.

- 4.7 Site notice posted and neighbours notified. 92 objections received and 42 letters of support. The following is a summary of the issues raised. A separate supplementary note from a residents group has also been received.

Support

- Economic benefits
- Good location
- Provide local employment
- Beautiful location
- Events are needed
- An asset to Great Ayton
- Covid safe venue
- Great set up and well organised
- Strong demand for this type of facility
- Good for tourism and the community

Objection

- Noise
- Wildlife and nature
- Highways impacts
- Not appropriate for a rural location
- Facilities already built and refused
- Extra lodges mean 120 guests
- On site parking insufficient
- Economic benefits not evidenced
- No affective noise management
- Alternations make no change to noise generated
- Out of character for this area
- Marquees do not contain noise
- Not in keeping with a 'Rural retreat'
- Not objecting to more lodges, just noise caused by events
- Noted many supporting the application do not live locally to the site
- Temporary marquee is visually intrusive
- Impact on wildlife/environment from pyrotechnics and water contamination

5.0 Analysis

- 5.1 The main considerations are; i) the principle of development in this location; ii) design; iii) impact on the character of the countryside including long distance views; iv) impact on character of the immediate area; v) highway safety and; vi) impact on residential amenity.

Principle

- 5.2 It is noted National Planning Policy Framework 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 Local Plan policy S1 sets out the Sustainable Development Principles which include supporting existing communities, minimising the need to travel and promoting sustainable modes of travel, ensuring communities have a healthy, safe and attractive living environment with reasonable access for all to a good range of facilities and services. This policy also supports local businesses to grow and expand, provide high quality jobs and the contribution of the rural economy but also requires the protection and enhancement to the environment and development in a way that respects and strengthens the distinctive character of the landscape.
- 5.4 Policy EG3 on Town Centre Retail and Leisure Provision has a sequential hierarchy and requires that facilities are located in higher order settlements for district wide and town centres uses. Stokesley and Great Ayton are lower order and serve only local, day to day needs. Rural employment uses away from these centres must meet the requirements of EG7, including where:
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
 - d. other proposals specifically requiring a countryside location.
- Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.
- 5.5 It has been accepted by the council that there are some enterprises that require a rural location by virtue of their offer, such as tourist attractions with a specific countryside market. This makes the addition of new holiday lodges acceptable under this principle. As noted earlier this proposal is also in part the retrospective change of use of land, through the construction of built facilities, to a destination events venue. The applicant has set out that his ambition is to create a wedding venue only and not provide a music venue with club night DJs, as the site was used on some occasions in summer 2021. Wedding venues where they respond to and protect and enhance local character have been also found acceptable in the district where there are adequate controls in place to maintain highway safety and local amenity.
- 5.6 The proposal submitted seeks to regularise the built facilities on site comprising, car parking area, construction of outdoor seating, outdoor beach area, and pergola. It is not considered the design, layout, size and scale of development and the change of use to hold the events proposed, responds in design terms or are commensurate with the rural location, and thus providing an enterprise with an essential requirement to be located in the countryside. Therefore, this application fails as a matter of principle.

Design

- 5.7 Policy E1 requires all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, including respecting and contributing positively to local character, identity and distinctiveness. The policy explicitly requires proposals to respond positively to its context and draw inspiration from the surroundings, to create distinctive, high quality and well-designed places. Furthermore, that it achieves a satisfactory relationship with adjacent development

and not to have an unacceptable impact on the amenities of neighbours or the wider area or creating other environmental concerns. The policy continues, that sites should be accessible for all users by maximising travel by sustainable modes, plus providing satisfactory means for vehicular access, parking, servicing and manoeuvring. Finally, this policy also notes development should achieve a high-quality design particularly and the protection of local character and amenity.

- 5.8 Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment and contributes to the identity of the district.
- 5.9 The materials and design of the features on site do not have a design aesthetic with a particularly strong link to a rural location. Landscaping is limited and the features appear unrelated to the setting and are not reflective of local character which is a gently rolling rural landscape. The Council's 2016 Landscape Character Assessment and Sensitivity Study describes this sub area as ' low-lying and relatively flat' and 'with a dispersed settlement pattern bisected by minor roads and A172 and A173 routes. ' It states that 'the primary land use is arable farmland, with medium scale, largely rectilinear fields, enclosed by a network of hedgerows with some mature hedgerow trees.' It notes that whilst some land is intensively farmed, the Cleveland Hills are a landmark in views south and east.'
- 5.10 Despite the site being screened well from the A172, a public right of way runs through the site and would afford close views of the operation. The new lodge's locations proposed on site would respond to the existing layout and be contained by the boundaries to help limit the impact. The ancillary structures and features however, eg pergola, beach bar, tiered seating, have a site layout but views into the site, particularly from the public right of way, would be affected. The proposal does not, in design and layout terms, respond to the policy requirements of high quality, integrating successfully with its surroundings in terms of form and function, including respecting and contributing positively to local character, identity and distinctiveness.

Highway safety

- 5.11 The Local Highways Authority has raised questions on how the use of the site would be controlled between external events and holiday lodge park users. They have sought more information on traffic movements, access onto the A172 and on-site parking. This information has not been forthcoming from the agent/applicant and they have advised that they seek to rely on the temporary change of use allowed under the permitted development rules. The applicability of this legislation is disputed by Officers. Due to that lack of information provided on this basis the traffic and highway impacts have not been able to be fully assessed and Local Highway Authority are not able to make a positive recommendation.

Amenity

- 5.12 Policy E2 requires to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Part c) requires no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character. The policy also lists obtrusive light as a potential impact.

5.13 The application seeks to gain consent for the established built facilities and works previously carried out and asks to rely on permitted development rules only for any external events. This arrangement as set out above is disputed by officers as it is felt the material change of use of land has already occurred. No new information to control noise or potential amenity impacts has been submitted, save the reference to the previously submitted noise survey by LA consultants under the last planning application. During the previous planning application, the Environmental Health officer found the report lacking in some key areas. They advised that controlling noise from a crowd outside is very difficult and it is likely that the neighbouring noise sensitive premises would experience noise from people. The recommendations for control monitoring with a sound level meter by a member of staff on site has potential to inadequately measure the lower frequencies and result in complaints continuing to be received about music events in the open air.

5.14 It is officers' opinion as there are no mitigation plans associated with the proposal that the application cannot comply with policy E2.

Ecology impacts

5.15 The impact on wildlife was raised through the consultation and has not been directly addressed by the agent or applicant. It is noted that paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.

5.16 No ecology report has been provided, and it is noted that the new Local Plan was only recently adopted by the Council on 22.02.2022. However, under the original holiday park application information on ecology was supplied, and it was noted in 2016 that this identified opportunities for biodiversity enhancements. A landscape and ecology plan to enhance habitats on the site was discharged by condition in 2018. It is not known whether the elements applied for under this latest application will have had consequential impacts on these works already agreed.

Planning balance

5.17 It is found that the proposal fails on the matter of principle in that it does not provide a development that requires a rural location or respects and contributes positively to local character, identity and distinctiveness. There are no mechanisms to control noise or assess highway impacts or biodiversity. It is considered that there are no material considerations that would outweigh this conclusion. On this basis the application is recommended for refusal.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. This proposal cannot accord with the principles of the development plan policy S1, EG3 and EG7 and development policy E1 and S5 by virtue of the location and the nature and scale 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 E1 of the Local Plan

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 S1 and E2 of the Local Plan.