

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/17/01033/FPA
FULL APPLICATION DESCRIPTION:	Hybrid planning application for the formation of 81 touring caravan pitches, 26 holiday lodges and associated amenity, storage and maintenance buildings, infrastructure and access. Erection of building to serve as a water sports centre, including bar/restaurant (outline all matters reserved except access). Part change of use reservoir to allow non-motorised water sports.
NAME OF APPLICANT:	Mr Brett and Terence Wilkinson
ADDRESS:	Hurworth Burn Reservoir, Hurworth Burn Road, Trimdon TS28 5NS
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land located to the east of Trimdon to the south of the County. The site extends to approximately 25 hectares in area and comprises a mix of agricultural fields and part of the water body of Hurworth Burn Reservoir, including the dam to the south of the site. The site is relatively level, with higher ground to the north beyond the site boundaries. The site is bound by the highway Hurworth Burn Road to the south, to the east lies the Castle Eden Walkway, agricultural fields and the remainder of the reservoir, to the north agricultural fields are present. To the east of the site the River Skerne is located, along with a wooded area. Isolated residential dwellings of Hurworth Burn Reservoir and House are located immediately to the south west.
2. The reservoir and associated land are in private ownership having being sold by Hartlepool Water.
3. A public right of way (Footpath No.30, Wingate) is located adjacent to the western boundary of the site, extending to the north. The permissive path of the Castle Eden Walkway is located to the east. The site is designated as a County Wildlife Site, directly to the south of the site lies the Local Nature Reserve of the Castle Eden Walkway. Approximately 680m to the east of the site lies the Pike Whin Bog Site of Special Scientific Interest (SSSI). The Teesmouth and Cleveland Coast Special Protection Area and Ramsar site along with Northumberland Special Area of Conservation lies

5miles to the east of the site. Trimdon Conservation Area, which contains a number of listed buildings lies approximately 2miles to the west of the site.

The Proposal

4. Planning Permission is sought for the formation of a touring caravan site consisting of 81 pitches arranged in a north south orientation along the western lakeshore with a loop road for access. An amenities and separate workshop building is proposed to be sited to the south of the site to serve the development. In addition to this 26 holiday lodges are proposed to the south lake shore of the upper part of the reservoir arranged in an east west orientation, served through the access for the touring caravan site.
5. A water sports centre is proposed in outline form to provide a hub building with a bar/restaurant and water sports facilities. The building would be up to two storey in height and sited on the north western shore line and would facilitate non-motorised water sports activities on the majority of the reservoir. A new vehicular site entrance is proposed, approximately 20 to the west of the existing site entrance.
6. The development project as a whole is identified as being EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement been submitted in support of the application.
7. This planning application is being reported to County Planning Committee because it is a non-residential development proposal with a site area in excess of 2 hectares.

PLANNING HISTORY

8. There is no relevant planning history to the site.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application

of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The Easington District Local Plan (SBLP) 2001

23. *Policy 1 – General Principles of Development* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy.
24. *Policy 3 – Protection of the Countryside* Development outside the “settlement limits” will be regarded as development within the countryside. Other than specifically allowed for by other policies, development in the countryside will not be approved.
25. *Policy 14 - Protection of Special Areas of Conservation* Development that is likely to adversely affect a Special Area of Conservation will not be permitted unless certain exceptional criteria are met.
26. *Policy 15 – Protection of sites of Special Scientific Interest and Natural Nature Reserves.* Sets out that development which is likely to adversely affect a notified site of special scientific interest will only be approved where there is no alternative solution and that the development is in the national interest.
27. *Policy 16 - Protection of Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodlands.* Advises that development which is likely to adversely affect such a site will only be approved where there is no alternative solution and the development is of national interest.

28. *Policy 18 - Species and Habitat Protection* Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
29. *Policy 19 - Management of Areas of Nature Conservation* Seeks to protect all areas of nature conservation interest including through the application of other relevant conservation interest related policies within the Local Plan so as to control inappropriate development.
30. *Policy 35 - Design and Layout of Development* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
31. *Policy 36 - Design for Access and the Means of Travel* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
32. *Policy 38 - Designing out Crime* The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness.
33. *Policy 39 - Design for Art* Encourages the provision of artistic elements within new development.
34. *Policy 74 - Footpaths and Other Public Rights of Way* Public Rights of Way will be improved, maintained and protected from development.
35. *Policy 75 - Provision for Cyclists and Pedestrians* Provision for cyclists and pedestrians will be reviewed to establish a safe and convenient network within, and between settlements.

RELEVANT EMERGING POLICY:

The County Durham Plan

36. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Sedgefield Borough Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

37. *Environment Agency* – Object to the planning application as the assessment and mitigation of the risks to otters are inadequate. Additional information supplied setting out that the development will connect to Northumbrian Water sewer system would minimise risks to surface and ground waters in the vicinity of the site.
38. *Natural England* – Advise that the development could have potential significant effects on Teesmouth and Cleveland Coast Special protection Area and Ramsar Site. Further information in order to determine the significance of these impacts and the scope for mitigation is required, without this information objections are raised to the proposal.
39. *Highways Authority* – Offer no objections to the development providing the relocated access into the site and associated visibility splays are secured as part of any planning approval.
40. *Northumbrian Water* – Advise that any final details for the disposal of foul and surface water should be developed and agreed by condition. It is highlighted that a sewer crosses the site and should be incorporated into the development.
41. *Drainage and Coastal Protection* – Advise that the development should take into consideration a surface water management train throughout the site, including for source, site and regional controls.

INTERNAL CONSULTEE RESPONSES:

42. Ecology Section – Object to the proposals. It is advised that the submitted application does not address concerns regarding connectivity between Hurworth Burn Reservoir and Teesmouth SPA. As a Competent Authority under the Habitats Regulations the Council has undertaken an Appropriate Assessment of the likely impacts on the European protected site. Based on the insufficient information at present on possible impacts and any proposed mitigation measures to address these impacts the Appropriate Assessment concludes that the application is likely to have a significant effect on a species component of the overwintering waterfowl assemblage of the Teesmouth and Cleveland Coast SPA and should be refused. It is advised that Otter holts are not within the site boundary and unlikely to be directly affected by this proposal, however it is considered that the negative impacts caused by habitat loss, fragmentation and a reduction in available foraging time caused by human disturbance are likely to result in otters dispersing from the site. It is considered that although the development proposes to utilise minimal lighting the development is still likely to contribute to negative impacts from caravan lighting and vehicle movements on site impacting on bat species.
43. *Landscape* – Advise that the proposals would have substantial adverse landscape and visual effects due to the development of a tranquil, undeveloped attractive landscape.
44. *Landscape (Arboriculture)* – Advise that the majority of the site is free of trees, however the erection of the lodges and access road to the west of the site will impact on individual trees, consideration has not been given to the impact of this.

45. *Environmental Health and Consumer Protection (Air Quality)* – Advise the site is not in close proximity of any Air Quality Management Areas and based on the likely trip rates from the development no further assessment to qualify or quantify the impacts on air quality will be required.
46. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the development is in a low noise area and therefore any noise, especially of an impulsive nature such as screams/shouts, are likely to be audible at nearby residential properties. Both affected properties have line of site onto the proposed development site and therefore although fairly removed noise will still be audible externally. However providing the development is appropriately managed and reasonable precautions be imposed via a management plan the development is unlikely to result in significant noise impacts. However, due to the existing noise climate, the development will materially alter the noise climate on site and as such will inevitably impact on the nearby residential properties over the existing situation.
47. *Archaeology* – As the built area here is over 1 hectare, it is recommend that the applicant submits a report to show that the archaeological potential has been assessed prior to permission being granted. This should include a field-based evaluation of the site.
48. *Access and Rights of Way* – Advise that in order to improve safe pedestrian access to and from the site and the public footpath network, consideration should be given to provide a safe footway/footpath off the main road.
49. *Sustainable Transport* – Identify the presence of Public Footpaths and the National Cycle Network Route 1 in the vicinity of the site which offer the opportunity for occupiers to access neighbouring visitors. Improvements to these routes should be secured given the additional use the development proposes.
50. *Sustainability Officer* – Advises that the site is not in a close vicinity to existing services or facilities, however the incorporation of a hub would assist in reducing some impact of local traffic movement. However a significant sustainability concern that the site is a designated Local Wildlife Site, which is of importance to European Protect Species.

NON-STATUTORY RESPONSES:

51. *Visit County Durham* – Advises that there is broad support and need for the delivery of tourism accommodation within County Durham.

PUBLIC RESPONSES:

52. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
53. 47 letters of objection from local residents have been received in relation to the development as summarised below.

Ecology

- Objections are raised on the impact on ecological interests of the site highlighting that significant numbers of bird populations use the site in excess of 200 species.
- It is identified that there is a functional link between this site and the other wildlife sites in the area.
- There are a number of protected species on the site including, Otters, Bats, Newts and Badgers which will be adversely affected by the development.

- The submitted surveys are considered inadequate to assess the impact of the development, including on bird and bat populations due to the timing and length of the surveys.
- The development of the site would impact on the designation as a Local Nature Reserve.
- The proposed mitigation is inadequate to address the impacts on relevant species.

Highway Safety

- Objections raised on the interests of highway safety due to slow moving vehicles and the limited visibility on the road network in the vicinity of the site.

Visual Amenity/recreational function

- The development would result in the loss of a tranquil, peaceful landscape.
- Attractive views from the Public Right of Way to the east of the site would be lost, this site is heavily used as a recreational route.
- Light pollution would change the character of the site.
- It is highlighted that the public use of the area and that the development would permanently destroy a free leisure amenity and turn it into an over developed commercial site
- Concerns raised on the safety of the reservoir and whether this would be suitable for water related activities. It is highlighted that there are existing watersport facilities in the area and that there is no need for the development.

Residential Amenity

- Concerns are raised regarding the impact on residential amenity in relation to impacts associated with noise and disturbance and light pollution generated from the development on surrounding residential properties.

Other Issues

- Concerns raised on the safety of the reservoir and whether this would be suitable for water related activities. It is highlighted that there are existing water sport facilities in the area and that there is no need for the development.
- Objections raised on the Impact of noise, disturbance and light on farming and equestrian related activities
- Concerns are regarding the flooding of the site and downstream and whether the development would exacerbate problems along with concerns of water contamination.
- Local plan policies do not permit the location of development in this location while the site would not be located in a sustainable location, could not be made sustainable, and would be car dominated

54. *Durham Wildlife Trust* – The development will directly damage a Local Wildlife Site and be detrimental to the nature conservation of the site. The application has not demonstrated that reasons for the development outweigh the nature conservation interest. There will be increase disturbance to wildlife, particularly European Protected Species and overwintering birds caused by the increase level of use around the reservoir, which cannot adequately be mitigated.
55. *Durham Bird Club* – Hurworth Burn Reservoir is one of the important bird watching sites within County Durham. Concerns are raised regarding the level of detail in the submitted surveys and their timing. The site attracts a wide range of birds some in significant numbers some rare. The proposals would result in the displacement of birds from the grasslands around the shore, which is utilised by bird populations. At present there is no activity away from the shores of the reservoir, concerns are raised regarding the displacement of birds, including in the summer months.

Concerns are raised on the future of the bird watching club if the main resource of the reservoir is lost the development of the site would impact in views from public rights of ways. Development of this site would conflict with EDLP and NPPF policies.

56. *Teesmouth Bird Club* – Object to the development advising that if permitted it would destroy the reason for the designation of a local wildlife site. These sites are scarce in this part of County Durham. The level of disturbance will impact upon birds resulting them from being displaced from the site, disturbance can manifest itself at 50m to 250m, the general width of the reservoir. The operation of the site only in the summer will still impact on bird populations, remaining mitigation measures re minimal. The NPPF emphasises the need to preserve and enhance biodiversity with the development would not. The submitted ES dismisses any functional link between the reservoir and the SPA of the Tees Estuary. Linking studies of curlew commuting between the two sites has been published.
57. *CPRE* – Object to the development, advising that the scheme would result in a significant intrusion into the countryside that would impact on the tranquillity of the site. The proposal would be contrary to policy 3 of the EDLP, whilst the development would also have a direct impact on the footpath to the west of the site, adversely affecting the enjoyment of it, contrary to policy 74 one the EDLP. Concerns are also raised regarding the nature of the road where it crosses the River Skerne where there is limited visibility.

APPLICANTS STATEMENT:

58. The proposal represents a unique opportunity to create a high quality Tourism Development in an area where jobs are needed. A summary of key facts regarding the proposal are as follows:
59. Job Creation and boosting the local economy: The proposal has support from the County Economic Development Team as it will deliver jobs and bring much needed income in to the local economy in the Trimdon area.
60. Delivering High Quality Tourist Accommodation: This proposal can assist in delivering Durham County Council's Tourism Strategy, for which it is hoped that "*by 2020 the country's visitor economy will account for 17% of the County's Economy*" (Durham Tourism Management Plan 2016-2020).
61. Working with Ecology: 2 Ecologists have advised the applicant that development is possible on the site. As a result, the proposed development has been designed in such a way that the delicate balance between wildlife and human activity can be managed; by locating lodges and the Hub away from sensitive areas of the site, and allowing other areas (such as the proposed touring site) to be used at times of the year when they are not being used by wintering birds.
62. Limited Development Area within the site: This application only affects 16.6 acres of a 120 acre site. This represents only 13% of the total site area.
63. Wildlife Habitat Mitigation and Creation: have been proposed to improve the quality of the remainder of the site for wildlife; such as the creation of a protected zone around the reservoir shore, increase in the amount of hedgerows on the site, netting to some the existing footpaths prevent dogs straying off the public routes into habitats, and the cessation of grazing on the N & E side of the reservoir. Water based activities no longer form part of this proposal. There is also additional and almost identical habitat available at the 70 acre Crookfoot Reservoir 2 miles away.

64. Good Highways Links: There are no objections from County Highways to the proposal, as the site is well connected to the A19 and A1 arterial routes.
65. Maintaining the Reservoir: The site is privately owned, and the reservoir has to be lawfully maintained to comply with the Reservoir Act 1975 at the expense of landowner. This proposal would allow the unique asset to be maintained for years to come for the benefit of future generations and wildlife alike.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

66. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Easington District Local Plan (EDLP) remains the statutory development plan and the starting point for determining application.
67. The policies within the NPPF are a material consideration which should be taken into account in decision-making. The NPPF advises at Paragraph 213 Local Plan policies should not be considered out of date simply because they were adopted or made prior to the publication of the framework. Due weight should be given to them, according to their degree of consistency with the framework. Other material considerations include representations received.
68. In this context, it is considered that the main planning issues in this instance relate to: The principle/location of development, ecological impact, landscape and visual appraisal, highway safety and access, residential amenity, flooding and drainage, ground conditions and other issues.

The Principle\Location of development

69. EDLP policy 1 sets out that regard will be had to the development plan when determining planning applications, setting out that account should be taken as to whether the proposed development accords with sustainable development principles, while benefiting the community and local economy. EDLP Policy 1 also sets out that developments are required to follow key principles applied to the location, design and layout of all new development. The policy sets out that all new development should be located within the settlement boundaries, except where development within the countryside would be allowed by other policies within the plan.
70. EDLP Policy 3 defines development limits for the settlements and sets out that development outside the 'settlement limits' will be regarded as development within the countryside. The policy states that other than specifically allowed for by other policies, including policy 85 relating to countryside recreation and policy 86 relating to camping, caravan and chalet sites, development in the countryside will not be approved. The NPPF does not prevent a local planning authority from defining settlement boundaries and promotes the protection of the countryside and valued landscapes. However the formation of settlement boundaries would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. As a result policy 3 should be afforded reduced weight in the decision making process.

71. EDLP Policies 85 and 86, set out a criteria based approach to the assessment of countryside recreation, and camping, caravan and chalet sites, including ensuring that the development does not adversely affect the landscape. EDLP policies 85, and 86 are not saved policies as they reflected guidance at a national level at the time. The NPPF does seek to promote sustainable rural tourism and leisure developments which protect the character of the countryside, the development would also boost the rural economy in this respect, would be seen as a benefit of the scheme. The applicant sets out that the development would create 42-46 full time equivalent jobs and potential to bring in £800,000 per annum into the local economy. The Durham County Council Tourism Management Plan also offers broad support for rural tourism enterprises.
72. Overall it is considered the location of a leisure uses including a camping/caravan site and chalet development, could in principle be considered acceptable in this location, providing the development protects the character of the countryside and satisfies other EDLP and NPPF policies.

Ecological Impact

73. EDLP Policy 14 states that development which is likely to adversely affect a designated Special Area of Conservation will only be approved where there is no alternative solution, or there are imperative reasons of over-riding national interest for the development. At the time of the EDLP being adopted no Special Protection Areas or Ramsar sites were designated within the former Easington District but the justification to the policy explains that if they are designated the same policy criteria would apply. Such designations have now occurred. Similarly, EDLP Policies 15 and 16 applies the same criteria to develop notified sites of special scientific interest (SSSI), protected sites of nature conservation importance, local nature reserves and areas of ancient woodland. EDLP Policy 18 states that development that would significantly adversely affect any protected species, or its habitat, will only be approved where the reasons for the development outweigh the value of the species or habitat. EDLP Policies 1 and 19 seeks in general to promote the interests of nature conservation.
74. The above EDLP policies are considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests. Specifically, Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, that planning permission should be refused. Furthermore where a development is likely to have an adverse effect on a SSSI it should not normally be permitted, unless in the exceptional circumstances where the benefits of the development in the location clearly outweigh its likely impact on the features of the site that make it of special scientific interest. Paragraph 177 of NPPF states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being planned or determined.
75. Additionally, regard is required to be had to The EU Habitats Directive 92/43/EEC, The Conservation of Habitats and Species Regulations 2017, The Wildlife and Countryside Act 1981, and The Natural Environment and Rural Communities Act 2006. Objections have been raised in relation to the ecological impact of the development including from local wildlife groups.
76. The site is designated a County Wildlife Site, which is located within 5 miles of the Teesmouth and Cleveland Coast which is designated as a Special Protection Area (SPA) Ramsar site, National Nature Reserve and SSSI, in part due to the assemblage of birds species including species of conservation importance. The applicant has submitted an Environmental Statement (ES), which assesses the impact of the

development on ecology interests. The ES identifies that the application site, including the water body of the reservoir, provides a habitat to a wide range of species including, otters, bats and assemblage of birds, including overwintering waterfowl. In reviewing the submitted information and considering the likely impacts of the development the Councils' Ecology Section advise that the development would result in the disturbance and displacement of these species on what is currently an undeveloped site.

77. Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project (is likely to have a significant effect upon a European site, either individually or in combination with other projects: Further to this, Article 6(4) states that where an appropriate assessment has been carried out and results in a negative assessment, consent will only be granted if there are no alternative solutions, there are Imperative Reasons of Overriding Public Interest for the development and compensatory measures have been secured. It is considered that an Appropriate Assessment is required for this proposal.
78. The protection given by the Habitats Directive is transposed into UK legislation through the Habitats Regulations. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are protected under the Habitats Regulations. As a matter of policy the Government also applies the procedures to Ramsar sites.
79. The submitted Environmental Statement (ES) notes that the proximity of the development to the Teesmouth and Cleveland Coast which is designated as a SPA, Ramsar site, National Nature Reserve and SSSI. However the ES concludes that as the development is beyond 3.1 miles from these designated sites and there would be unlikely to be any functional link to the application site. In considering the conclusions of the ES the Council's Ecology Section and Natural England highlight that there have been ring recoveries on the development site for Curlew, which is a qualifying bird species for the above designated sites. Both the Councils Ecology Section and Natural England, consider that the presence of this species establishes a functional link between the application site and the Teesmouth and Cleveland Coast SPA, Ramsar site, National Nature Reserve and SSSI sites and there could likely be implications on these sites conservation objectives. The link between the application site and the designated sites has not been explored further by the applicant.
80. The Council as the Competent Authority has undertaken an Appropriate Assessment, based on the information submitted and available, to consider the likely significant effects on the relevant sites. This concludes that the development would likely have a significant negative effect on the affected European sites (SPA and Ramsar) due to the likely functional link between the sites. The SAC is not considered to be likely significantly affected. In applying the precautionary tests contained of the Habitat Regulations, as it cannot be fully ascertained that the proposal would not adversely affect the integrity of the designated sites. As there is considered no imperative reasons of overriding public interest relating to human health, public safety or important environmental benefits, legislation sets out that the development should not be permitted. However in order to undertake a more comprehensive appropriate assessment more information would need to be supplied by the applicant to consider the link between the application site and designated sites.
81. In relation direct impacts on other species on the site itself, it is highlighted that Otters use the site for foraging. The Councils Ecology Section advise that that the development would have a considerable negative effect by displacing otters from the wider reservoir through the reduction on foraging habitat caused by recreational disturbance. The Environment Agency object to the development as a result of this. The impact on the protected species and the loss of habitat is considered to conflict with EDLP policy 16 and 18 and paragraph 175 of the NPPF.

82. In relation to bats, it is advised by the Councils Ecology Section although low level bollard lighting is proposed across the development, light generated from the activities on site such as caravan lighting and headlights from vehicle movements would likely lead to a cumulative negative impact on the foraging of bats and displace them from large areas of the site. The impact on the protected species and the loss of habitat is considered to conflict with EDLP policy 16 and 18 and paragraph 175 of the NPPF.
83. Overall, it is considered that the development would result in significant adverse impacts on biodiversity and protected species of a County Nature Reserve and based on the submitted information, would also likely adversely affect the Teesmouth and Cleveland Coast designated sites including, SPA, Ramsar site, National Nature Reserve and SSSI without any overriding national interest to justify the development. Consequently the proposal would be in conflict with EDLP Policies 14, 15, 16, 18 and 19, as well as Paragraph 175 of the NPPF.

Landscape and Visual Appraisal

84. EDLP policy 1 seeks to protect the visual amenity and openness of the countryside by setting development limits around existing settlements and protecting landscape character. The NPPF does not prevent a local planning authority from defining settlement boundaries and promotes the protection of the countryside and valued landscapes. However the formation of settlement boundaries would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. As a result policy 1 should be afforded reduced weight in the decision making process.
85. Policy 35 of the EDLP requires that development reflects the scale and character of the area generally practically in terms of site coverage, detailed design and materials whilst having appropriate landscape features where required. The supporting text of the policy clarifies that new development should be well related to the local environment whilst respecting existing landscape features. Policy 35 is considered consistent with the NPPF in this respect.
86. Objections have been raised regarding the visual impact of the development.
87. The Applicants Environmental Statement, which includes a landscape visual impact assessment, considers the impact of the development on the surrounding landscape. The relevant section concludes that whilst the development would create a number of significant adverse impacts both visually and in landscape character terms, these impacts are confined to a relatively limited number of locations within 500m of the site. The ES concluded that these impacts are reduced due to the seasonal nature of the touring caravan season and once mitigation planting established in 10-15 years.
88. The Councils Landscape Officer has reviewed the submitted information and identifies that the landscape surrounding the reservoir is not specifically designated, however it is bordered by a well-used recreation asset with a high number of visual receptors and has a tranquil and undeveloped nature. It is advised that whilst the development would have limited views in the wider landscape it would be transformative of the local landscape and would substantially damage the locations scenic qualities and visitor's enjoyment of the site. Whilst it is accepted that the buildings themselves could be considered acceptable, cumulatively the development as a whole as above is not considered to respect the existing landscape features of the site as a whole and would not relate well the existing landscape. The development would also involve some tree loss to facilitate the erection of the ledges and access road, further impacting upon the character of the area.

89. Overall, it is considered that the development would be transformative of the undeveloped nature of the site leading to substantial adverse landscape harm contrary to policies 1 and 35 of the EDLP and the paragraphs 127 and 170 of the NPPF. This adverse impact needs to be considered within the wider planning balance.

Highway Safety and Access

90. EDLP Policies 1 and 36 requires that development proposals achieve a satisfactory means of access for all users while seeking to protect highway safety in terms of vehicle movements and traffic generation. Policies 1 and 36 are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by local residents.
91. The existing site is served by an existing single vehicle width field access on to Hurworth Road. It is proposed that the main vehicular access to the site would be relocated approximately 20m to east and provide 2.4x 125m visibility splays to the east and 2.4 x 161m to the west, 80m of existing hedgerow is proposed to be relocated to the facilitate this. The transport section within the ES concludes that even with the increase in vehicle movements as a result of the development Hurworth Burn Road would remain within its capacity and the development would not have a material impact on highway safety.
92. In reviewing the proposals, the Highway Authority advise that this proposed access arrangement into the site would be acceptable, subject to implementing the proposed visibility spays. As this would involve land outside of the applicants control a Grampian condition would be required.
93. In relation to pedestrian access, the Councils Sustainable Travel and Public rights of way officer highlight that there should be some pedestrian connectivity from the site access to the Castel Eden Walkway, while surfacing improvements to the castle Eden Walkway should be secured to mitigate the increase use of the site. It is considered that these matters could be addressed by condition, with space within the adopted highway to create a pedestrian footway. This would satisfy the requirements of polices 74 and 75 of the EDLP which seeks to improve public rights of way networks and encourage accessibility for cyclists and pedestrians.
94. Overall, it is considered that the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network, subject to conditions requiring the delivery of visibility spays, pedestrian access and surfacing improvements. The scheme is considered acceptable with regards to EDLP Policies 1 and 36 Part 9 of the NPPF in this respect.

Residential Amenity

95. EDLP Policies 1 and 35 requires that the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. These Policies are considered NPPF compliant. Part 15 of the NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Objections have been raised from adjoining residents regarding the impact of the operations through noise and disturbance on residential amenity. The nearest residential properties are located approximately 161m away from the development site.

96. The submitted ES considers the impact of the development in this respect, concluding that the development would not have an adverse impact on the noise climate, this would however be subject to control the operations of the site, including the restriction of water sports uses within the immediate vicinity of the site.
97. The submitted assessments have been reviewed by the Councils Environmental Health and Consumer Protection Team (Pollution) who advise that the development is in a low noise area and therefore any noise, especially of an impulsive nature such as screams/shouts, are likely to be audible at nearby residential properties. Both affected residential properties also have line of sight onto the proposed development site and although fairly removed, noise will likely to be audible externally. However it is advised that providing the development is appropriately managed and reasonable precautions be imposed via a management plan the development is unlikely to result in significant noise impacts. Notwithstanding this, due to the existing noise climate, the development will materially alter the noise climate on site and as such will inevitably impact on the nearby residential properties over the existing situation. However it is considered that subject to conditions requiring a management plan to be produced, and likely noise levels, the level of harm would not result in a serious adverse impact, and would therefore not represent a conflict with policies 1 and 35 of the EDLP in this respect.
98. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection officers recommend that a construction management plan be secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be mitigated. It is also recommended to control any plant erected on the proposed health centre to prevent any loss of amenity for future residents.
99. Issues regarding a loss in value of existing properties are not a material planning consideration.
100. Overall, the scheme would result in a reduction in the level of residential amenity currently experienced by existing residents through general noise and disturbance associated with the development given the low noise climate. However the reduction in amenity is not considered to be at a serious adverse effect and would therefore not result in policy conflict, but the impact would need to be weighed in the planning balance.

Flooding and Drainage

101. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
102. The application is accompanied by a flood risk assessment (FRA) within the ES, which highlights that the application site, beyond the shoreline of the reservoir is within flood zone 1 with a low flood risk probability. The FRA does not set out a drainage strategy in relation to surface water treatment, attenuation and discharge. The Councils Drainage officer highlights that this should be submitted in support to the application. However although not the preferred approach, given the location of the site and nature

of the development it is considered that this matter could adequately be controlled by condition.

103. In relation to foul water from the development, following amendments, it is proposed to pump the foul water to the existing Northumbrian Water Drainage system. The Environment Agency no objections to this approach subject to controlling the final details and delivery. No objections are raised from Northumbrian Water regarding the capacity of existing sewerage infrastructure.
104. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to Part 15 of the NPPF.

Ground conditions

105. In relation to land contamination the applicant has submitted a Phase 1 desk top study as part of the ES which confirms that there is a low risk of contaminants being present on site, but site investigation work is recommended. A conditional approach to further land contamination investigations including site sampling in accordance with Part 15 of the NPPF is considered appropriate given the nature of the development.
106. The development site falls outside of the Coal Authority High Risk Area.

Other Issues

107. NPPF Paragraph 170 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land. The development would result in the loss of approximately 6.12 of agricultural land. A site specific investigation into the land classification does not accompany the application. Nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.
108. In a circumstance that the land is best and most versatile land this does not preclude the land from development but is a factor to consider in the determination of the application in the planning balance. In this instance it is considered that even if the whole site was best and most versatile agricultural land, its loss would not be significant, but nonetheless would be an adverse impact which should be given weight in the planning balance.
109. The Environmental Health and Consumer Protection (Air Quality) officer advises the site is not in close proximity of any Air Quality Management Areas and based on the likely trip rates from the development no further assessment to qualify or quantify the impacts on air quality will be required.
110. The Councils Archaeology Section, advise that a site investigation for archaeological interest should be undertaken prior to determination, as required by paragraph 189 of the NPPF. No assessment of the site has been undertaken in this respect, however it is considered that this in itself would not warrant a reason for refusal and given the nature of the application a pre commencement conditional approach could be adopted. Trimdon Conservation Area, which contains a number of listed buildings lies approximately 2miles to the west of the site. However due to this distance and intervening topography it is considered that there is no intervisibility between the site and this heritage asset and no impact.
111. It is considered that the development would satisfy the requirements of policy 38 of the EDLP in respect of designing out crime, although dependant on the management

practices of the site and the requirement of lighting in hours of darkness recognising the associate environmental impacts of this.

112. Policy 39 of the EDLP encourages the provision of artistic elements within new development, it is considered that this could be secured by condition or as part of any reserved matters application for the hub building.
113. Concerns have been raised regarding the potential loss of view from residential properties of the countryside however this is not a material consideration.

CONCLUSION

114. It is concluded that the development would conflict with policies 1, 14, 15, 16, 18 and 19 of the EDLP due to the adverse impact on biodiversity and protected species, and based on the submitted information, would also likely adversely affect the Teesmouth and Cleveland Coast designated sites including SPA, Ramsar site, National Nature Reserve and SSSI without any overriding national interest. These policies are considered consistent with the NPPF and up to date in this respect. The development would lead to substantial adverse landscape harm and not relate well to the existing site contrary to policies 1 and 35 of the EDLP.
115. The NPPF is a material planning consideration required to be taken into account in the determination of the application. However the NPPF sets out at paragraph 177 the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being planned or determined. An appropriate assessment has been undertaken which concludes that there is likely to be a significant effect on the Teesmouth and Cleveland Coast SPA and Ramsar site.
116. The NPPF does seek to promote sustainable rural tourism and leisure developments which protect the character of the countryside, the development would also boost the rural economy in this respect, would be seen as a benefit of the scheme. It is however concluded above that the development would conflict with paragraph 175 of the NPPF which sets out that if significant harm to biodiversity cannot be avoided, mitigated or compensated for the planning permission should be refused. Furthermore it is concluded that the development would likely that have an adverse effect on a SSSI where the benefits of the development would not outweigh the harm, again paragraph 175 advises planning permission should not be granted in such circumstances. The development would also result in adverse landscape harm contrary to paragraph 127 and 170 of the NPPF.
117. The development would result in the loss of 6.17ha of agricultural land and potentially this could be best and most versatile agricultural land, however, even in such a scenario this level of loss is not significant.
118. The development would reduce the level of amenity currently experienced by neighbouring residential properties through noise and disturbance, however this is not to a serious adverse level that would result in conflict with EDLP policies or the NPPF.
119. In conclusion, whilst there are some benefits of the scheme including the delivery of tourism accommodation and associated economic benefits, these are not considered to outweigh the conflict with EDLP policies.

RECOMMENDATION

That the application is **Refused** for the following reasons:-

1. The development would result in significant adverse impacts on biodiversity and protected species on a County Wildlife Site and would also likely adversely affect the Teesmouth and Cleveland Coast Special Protection Area, Ramsar site, National Nature Reserve and SSSI without any adequate mitigation or compensation and no overriding national interest to justify the development. The proposal is therefore in conflict with policies 1, 14, 15, 16, 18 and 19 of the Easington District Local Plan and Paragraph 175 of the NPPF.
2. The development would result in a transformative impact upon the existing undeveloped nature of the site with resultant substantial adverse landscape affects, unsympathetic to its landscape setting and thereby contrary to policies 1 and 35 of the Easington District Local Plan and paragraphs 127 and 170 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

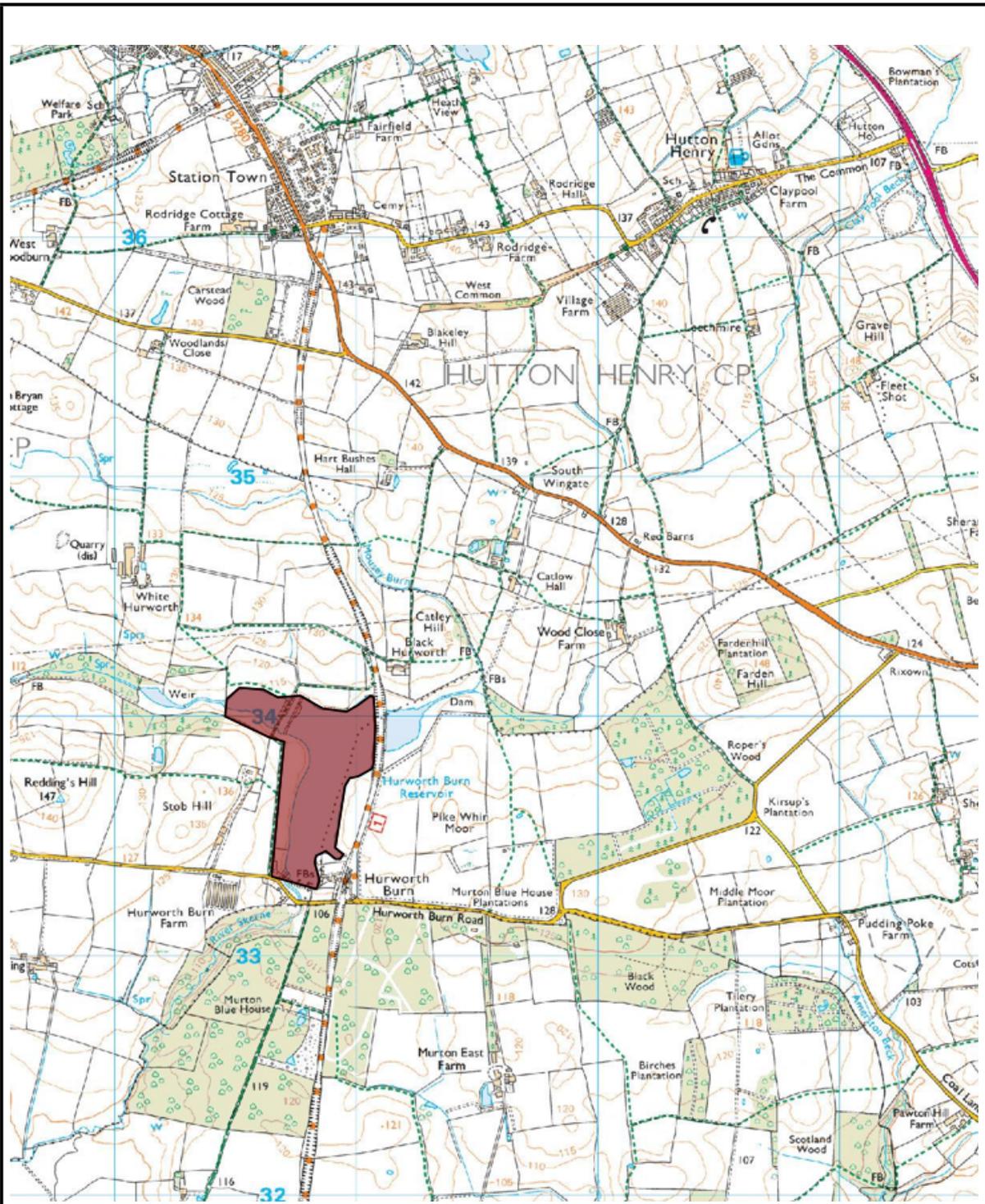
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Easington District Local Plan

Statutory, internal and public consultation responses



Services

Planning

DM/17/01033/FPA Hybrid planning application for the formation of 81 touring caravan pitches, 26 holiday lodges and associated amenity, storage and maintenance buildings, infrastructure and access. Erection of building to serve as a water sports centre, including bar/restaurant (outline all matters reserved except access). Part change of use reservoir to allow non-motorised water sports.

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Comments

Date January 2018

Scale Not to scale