

# Planning Services

## COMMITTEE REPORT

**AGENDA ITEM NUMBER: 1(a)**

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### APPLICATION DETAILS

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**APPLICATION NO:** PL/5/2010/0467

**FULL APPLICATION DESCRIPTION** EXTENSION OF TIME LIMIT FOR IMPLEMENTATION OF PLANNING PERMISSION REF NO: PLAN/2007/0710 FOR OUTDOOR AND INDOOR ARENAS WITH ATTACHED AND DETACHED STABLES AND ASSOCIATED CAR PARKING

**NAME OF APPLICANT** MS S LINCOLN

**SITE ADDRESS** WHITEGATES EQUESTRIAN CENTRE,  
SALTERS LANE, SOUTH HETTON DH6  
2UQ

**ELECTORAL DIVISION** SHOTTON

**CASE OFFICER** Grant Folley  
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### DESCRIPTION OF THE SITE AND PROPOSAL

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Site:

- 1 The site is an existing equestrian centre located to the west of South Hetton on some 9.5ha of a former farm steading on the east side of the B1280's junction with the A182. The centre utilises four former agricultural buildings which have been adapted to accommodate stabling, livery, tack and food storage accommodation. There is also an outdoor arena and a residential property within the site

Proposal:

- 2 This application proposes the extension of time allowed for the implementation of a previously approved planning application.

- 3 The application relates to the erection of an indoor arena of some 800sq.m. with an attached block of 20 stables; two detached blocks of 20 stables each; the construction of a new outdoor arena; and the construction of associated car parking areas. The application was previously approved in 2007 under planning application reference PLAN/2007/0710. These proposals are part of a master plan for major improvements to the existing facilities at Whitegates Equestrian Centre.
- 4 Having regard to the major nature of this development, it is considered appropriate for consideration by committee.

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## **PLANNING HISTORY**

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92/289 - Change of use to riding school and erection of boundary enclosures – Approved 06/92.

92/419 - Residential caravan – Approved 06/92.

92/713 - Change of use from stable/barn to dwelling and elevational alterations – Withdrawn 11/92.

93/137 - Change of use of stable/barn to dwelling and elevational alterations – Approved 04/93.

93/565 - Private double garage – Approved 09/93.

93/626 - Equestrian shop – Approved 10/93.

98/258 - Change of use from stable/barn to dwelling - Approved 07/98.

02/2 - Dwelling (outline) – Refused 02/02.

03/608 - Variation of condition 6 of planning permission 98/258 –Approved 09/03.

05/862 - Alterations to Vehicular Access - Approved 28/07/2006

PLAN/2006/0540 - Attached Double Garage with bedroom Over - Approved - 01/09/2006

PLAN/2007/0114 - Refurbishment and extension of existing dwelling house and construction of new vehicular access - Approved 02/05/2007

PLAN/2007/0710 - Outdoor and Indoor Arenas with attached and detached stables and associated parking - Approved 18/12/2007

PLAN/2008/0124 - Six Bed roomed Holiday Chalet Accommodation and New Shop/Office (Ancillary) - Approved 08/04/2008

PLAN/2008/0712 - Change of Use of Existing Bungalow to Equine Therapy Centre For Maximum of Six Children - Approved 27/02/2009

PL/5/2010/0466 - Refurbishment and extension of existing dwelling house and construction of new vehicular access – Approved 19/11/2010.

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## PLANNING POLICY

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### 5 NATIONAL POLICY:

**Planning Policy Statement 1 (PPS1)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

**PPS4 - Planning for Sustainable Economic Growth:** Planning for Sustainable Economic Development proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub-regional and local levels for both urban and rural areas.

**Planning Policy Statement 7 (PPS7)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:*  
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

### 6 REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

**Policy 38** (Sustainable Construction) sets out that in advance of locally set targets, major developments should secure at least 10% of their energy supply from decentralised or low-carbon sources.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at:*  
<http://www.qos.gov.uk/hestore/docs/planning/rss/rss.pdf>

### 7 LOCAL PLAN POLICY:

District of Easington Local Plan

**Policy 1-** 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. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

**Policy 3** - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.

**Policy 35** - 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.

**Policy 36** - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **8 STATUTORY RESPONSES:**

None received.

### **9 INTERNAL CONSULTEE RESPONSES:**

Highways Authority – The proposals are acceptable from a highways point of view subject to the applicant complying with the planning conditions of the planning permission granted on the 18/12/2007, reference PLAN/2007/0710.

Environmental Health – No adverse comments.

### **10 PUBLIC RESPONSES:**

The application has been advertised in the local press and through the erection of a site notice. Two letters of representation have been received in relation to this application. Objections have been raised on the following grounds:

- potential nuisance behaviour by users of riding school;
- horse manure left on footway and roadside;
- smell from existing facilities;
- Impact on highway safety.

### **11 APPLICANTS STATEMENT:**

As a consequence of the current economic downturn, it has become imperative that the current time limitation on the existing planning permission is extended for a further three years.

Given that the material planning issues raised by the application have not changed since the approval of the initial application, it is hoped that this planning application can be supported by the Council.

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*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:  
<http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111044>  
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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The main planning issues with regards to this application are considered to be the legislative background governing this type of planning application and the representations received.

### **12 Legislative Background**

On 1<sup>st</sup> October 2009, the Department for Community and Local Government brought into force legislation allowing the extension of implemented planning permissions via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). This measure has been introduced in order to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Government guidance states that in current circumstances, Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension of time will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.

However, this process is not a rubber stamp. Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably. Equally, the primary legislation with regards to the imposition of conditions remains unchanged meaning that members can apply different conditions to those originally attached if they so wish.

### **13 Changes in Planning Policy**

The circumstances that led to the original planning permission relating to this scheme have not significantly changed, other than the publication of PPS1 Delivering Sustainable Development.

The publication of the updated national guidance has led to the requirements for an additional planning condition to be attached to any grant of planning permission (No. 15 below). The additional condition secures the provision of renewable energy on the site.

### **14 Representations**

The representations received in relation to the current application raise issues previously considered in determining the original application. It is not considered that there have been any material changes in circumstance to warrant a different decision to the previous approval.

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## **CONCLUSION**

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- 15 In conclusion, there is no planning reason to withhold a new permission. This will enable the development to be completed when it is financially viable.
- 16 Accordingly, this application is supported subject to the details previously submitted and agreed by the council in relation to the Planning Permission ref. PLAN/2007/0710, and subject to the revised set of conditions attached.

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## **RECOMMENDATION**

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- 17 That the application be **APPROVED** subject to the following conditions;

### **Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Location Plan, Proposed Site Master Plan (A104/ 2C), Proposed Elevations Indoor Arena and Stable Blocks (A104/ 10A), Proposed Floor Plan and Section Indoor Arena (A104/ 9) - all received 15/10/2007 in relation to planning application ref. PLAN/2007/0710.
3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

4. Full details of the surfacing and marking out of the areas indicated for car parking on the plans hereby approved shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced and the parking areas shall be constructed and laid out in full accordance with the agreed details to the satisfaction of the said Authority before the new arenas and stables are brought into use. Thereafter, the parking areas shall be kept available for such use at all times during the lifetime of the operation of the equestrian centre.
5. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
6. No construction work shall commence on site in connection with the outdoor and indoor arenas, the sixty stables or the thirty-seven car parking spaces and four disabled persons' car parking spaces hereby approved before all outstanding works relating to conditions 4, 5, 6 and 7 of planning permission reference PL/5/2010/0466 have been completed on the site to the satisfaction of the Local Planning Authority.
7. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed in accordance with a scheme to be submitted to and approved in writing by the Local planning authority.
8. Before the development hereby permitted is commenced, full details of a scheme for all external lighting proposed for the site shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, such agreed scheme shall not be carried out other than in complete accordance with the agreed details to the satisfaction of the said Authority.
9. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.
10. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the

following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

11. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.
12. None of the development hereby permitted shall be commenced until full details of the earthworks to be carried out on the site in connection with the development have been submitted to and agreed in writing by the Local Planning Authority. These details shall include existing and proposed ground levels and the floor levels of the proposed buildings. Thereafter, the development shall be carried out in accordance with the agreed details to the satisfaction of the said Authority.
13. No sound amplification equipment shall be installed on the site without the prior written approval to a detailed scheme having been obtained from the Local planning Authority.
14. None of the development hereby approved shall be commenced before full details of a route to be used by horse-riders to exit and re-enter the site has been submitted to and approved in writing by the Local Planning Authority and the new arenas and stabling facilities hereby approved shall not be brought into use before such agreed route has been made available in full accordance with those agreed details to the satisfaction of the said Authority. Thereafter, the route shall be maintained for use during the lifetime of the operation of the equestrian centre unless alternative arrangements have been agreed with the said Authority.
15. Notwithstanding any information submitted, development shall not commence until a scheme demonstrating how CO2 reduction and



energy efficiency measures will be incorporated into the approved development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented and retained in accordance with the approved scheme thereafter.

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## **REASONS FOR THE RECOMMENDATION**

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1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of
DISTRICT OF EASINGTON LOCAL PLAN	Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of
PLANNING POLICY	Travel
STATEMENT/GUIDANCE	GEN01 - General Principles of Development
PLANNING POLICY	PPS1 - Delivering Sustainable Development
STATEMENT/GUIDANCE	PPS4 - Planning for Sustainable Economic
PLANNING	Growth
STATEMENT/GUIDANCE	POLICY PPS7 - Sustainable Development in Rural
	Areas

2. The circumstances that led to the original planning permission relating to this scheme have not significantly changed. Accordingly there is no planning reason to withhold a new permission.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



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