



Area Planning Committee (North)

Date Thursday 28 February 2019
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 20 December 2018 (Pages 3 - 10)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/17/04001/FPA - Mini Maxi Moos Adventure Land, Holmside Park Arena, Holmside Lane, Edmondsley (Pages 11 - 28)
Retrospective permission for erection of a timber hay store and change of use of an equestrian arena to an indoor play area, re-cladding of existing 'play castle' and creation of additional outdoor activity areas in defined spaces including use of quad bikes and buggies as set out in the Operational Management Plan.
6. Appeal Update (Pages 29 - 32)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
20 February 2019

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chairman)
Councillor S Wilson (Vice-Chairman)

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, G Darkes,
A Hopgood, C Martin, O Milburn, J Robinson, A Shield,
J Shuttleworth, T Tucker and S Zair

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the County Hall, Durham on **Thursday 20 December 2018 at 1.00 pm**

Present:

Councillor I Jewell (Chairman)

Members of the Committee:

Councillors A Bainbridge, L Boyd, G Darkes, A Hopgood, C Martin, O Milburn, J Robinson, A Shield, T Tucker, M Wilson and S Zair

Apologies:

Apologies for absence were received from Councillors D Bell, D Boyes, J Shuttleworth and S Wilson

Also Present:

Prior to the commencement of the meeting the Chairman with great sadness reported the death of Councillor Leo Taylor.

The Committee stood for a moments silence as a mark of respect.

1 Apologies for Absence

Apologies for absence were received from Councillors Bell, Boyes, Shuttleworth and Wilson.

2 Substitute Members

Councillor M Wilson as substitute Member for Councillor D Bell.

3 Declarations of Interest (if any)

Councillor A Bainbridge informed the Committee that the application at Agenda Item 5 (c) was within his electoral division. While he had been contacted by the applicant, he had held no discussions about the application.

Councillors I Jewell and A Shield informed the Committee that they had been contacted by the applicant for item at Agenda Item 5 (b) but had no personal

or prejudicial interest in the application and would await discussion of the application before making a determination of it.

4 Minutes of the Meeting held on 25 October 2018

The Minutes of the meeting held on 25 October 2018 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/18/03060/FPA - Site of former Ouston County Infants School (Plots 14 and 15) Cromarty, Ouston, Chester-le-Street

The Committee considered a report of the Principal Planning Officer regarding an application for two bungalows to replace approved bungalows on plots 14, 15 and 16 within housing application DM/17/01683/FPA at the site of the former Ouston County Infants School (Plots 14 and 15), Cromarty, Ouston (for copy see file of Minutes).

Members of the Committee had visited the site the previous day to enable them to view the relationship between the site and the adjacent properties.

F Clarke, Principal Planning Officer gave a detailed presentation of the application and also provided a detailed history of the development site and the development to date. Concerns had been expressed by local residents about site levels and this application sought to address these concerns by replacing three bungalows with two. The Principal Planning Officer informed the Committee that, should the application be refused, the fallback position could be that the applicant implement the existing permission for the erection of three bungalows which would have a greater impact than the proposed scheme.

Councillor D McGill, Chair of Ouston Parish Council and Councillors Batey and Wood, local Members all raised objection to the application.

Councillor McGill informed the Committee that when the infant school closed local residents were concerned about what would happen to the site and whether any properties proposed for the site would be sympathetic to the surrounding houses and would address drainage issues. When residents were told that bungalows were proposed for the site they were still concerned about the height of the bungalows and drainage issues, but following consultation meetings, these concerns appeared to have been addressed. Therefore, when the planning application for development on the site was submitted no local residents felt it was necessary to object. However, local residents had not expected the bungalows on the site would be the

equivalent being of a two-storey house in relation to surrounding properties. Councillors Batey and Wood as local Members then took on the issue. Residents and the Parish Council did not support this application.

Councillors Batey and Wood as local Members addressed the Committee to object to the application.

Although the development of bungalows on the site of the former infants school was welcomed by both themselves and the local community when it was proposed, since construction on site had commenced it had become obvious that there were serious concerns regarding the level of the site and in turn the height of the bungalows. The site levels on the development site had changed since the demolition of the infant's school and this had resulted in the bungalows on the site overlooking surrounding properties. Additionally, because of the site levels and the slope of the site there were concerns about site drainage.

Mr Donnelly, resident of a neighbouring property, addressed the Committee to object to the application. When the original application was proposed local residents believed that due to the properties being built being bungalows there would be no encroachment on existing properties and would not lead to privacy issues.

Since the original application was approved it had been brought to his attention that any plans to extend at the rear of his property in the future may be declined for planning due to the erection of this development, which was unacceptable due to the age of the existing properties in relation to the new development.

The original application which was approved was done so on an aerial view of the site with no side elevations taken into account in relation to the existing properties. The proposed bungalows would be higher than a two storey existing property resulting in an invasion of privacy not only to bedrooms to the rear of the property but also to main garden areas. The decision to approve the original application demonstrated complete disregard for all existing residents and incompetence on behalf of the Council's planning department for not looking at the elevations in height in relation to the existing properties.

Land had been built up without sufficient compaction, adequate foundations or retaining walls. Subsidence was a major concern for local residents where the development was built up so high and Mr Donnelly questioned whether the foundations had been inspected by building regulations where the land had been built up specifically for bungalow 14.

The proposed application did not fit in with the surrounding properties that were stepped down in relation to the land heights and was overbearing due to the heights.

There was already existing drainage issues with the original site when it was formally an infant school with surface water draining into lower properties and gardens and this had worsened in gardens where the ground was saturated from the smallest of downfall. Despite putting further drainage into our garden this had not overcome these issues which had deteriorated since building work had started on the site.

Mr S Riding of Karbon Homes addressed the Committee. The development was a former Derwentside Homes scheme which had received fully approved planning permission. Due to concerns which had been raised by local residents work was stopped on plots 14, 15 and 16 and a revised planning application submitted. Resident's meetings had been attended and there had been a number of meetings between Karbon Homes, Councillor Batey and Councillor Wood. Fourteen concerns had been lodged through the Council's planning portal when this application was submitted and each had been responded to, and nine had then made further responses. Each plot was visited at its foundation stage for the purposes of insurance.

This application was as a result of residents' concerns which had been raised and Karbon Homes would continue to work with both the County Council and Homes England on this site. There was an existing valid planning permission for the whole site and, although not a preferred route, this could be a fallback position should this application not be approved.

Councillor Hopgood considered that residents, local Members and the Committee had been misled. The original planning application did not mention site levels and stated that the site would be levelled. There had been no objections to that application because this was taken in good faith and because bungalows were to be built. She considered that it was a disgrace that local residents had been put in this position.

Councillor Shield informed the Committee that he had seen the full extent of the problem with this development and sympathised with local residents, adding that further mitigation did not right a wrong. The original application had been approved on the information before the Committee and if this had changed then the Committee should have been made aware.

Councillor Tucker sought clarity on whether, if the application was refused, the applicant had the right to build 3 bungalows as in the original application and whether these would be built within the levels originally submitted or changed levels.

The Principal Planning Officer replied that the original application for 16 bungalows showed a change of levels. If this application was refused the bungalows would be built to the same level as previously approved with re-arranged windows.

N Carter, Planning and Development Solicitor reminded the Committee that the application before it was for determination and that this was not a forum to dissect circumstances. The application proposed two bungalows on existing levels rather than the three which had planning permission and the Committee should consider what was proposed and not what was desirable. The existing planning permission was a valid permission which could still be built out and the Committee needed to have regard to this. The foundation and stability issue was one for building control not for planning control and it had been confirmed that foundations had been inspected.

Councillor Robinson asked why, if levels had changed from the original application, there had been no planning enforcement. This application was mitigation by building only two rather than three bungalows, and if refused, three bungalows could be built based on the original application.

The Principal Planning Officer informed the Committee that the levels in this application were as in the 2017 application for 16 bungalows.

Councillor Jewell considered that the bungalows were not large but the land was higher.

Councillor Tucker sought assurance that drainage from the site was adequate. Councillor Jewell reminded Councillor Tucker that residents had stated there had been an existing drainage problem.

The Principal Planning Officer informed the Committee that the drainage system introduced to the development site would result in a net improvement in the drainage of the site.

Councillor Hopgood asked, when the top part of the site was cleared, the soil had been placed on the lower part of the site.

The Principal Planning Officer informed the Committee that levels had been checked on site by the enforcement team and these were in line with the 2017 application.

Following further discussion regarding levels on site it was **moved** by Councillor Robinson, **seconded** by Councillor Shield and

Resolved:

That the application be deferred to allow further discussions to take place between the applicant, planning officers, local Members and local residents.

**b DM/18/02807/FPA - Station House, Lintz Green Lane,
Lintzford, Rowlands Gill NE39 1NN**

The Committee considered a report of the Planning Officer regarding an application for the erection of a single storey café at Station House, Lintz Green Lane, Lintzford, Rowlands Gill (for copy see file of Minutes).

Members of the Committee had visited the site the previous day to understand the highways implications of the development and its location on the Derwent Walk.

N Graham, Planning Officer gave a detailed presentation of the application which included a location plan, proposed layout, proposed elevations and site photographs.

The Planning Officer informed the Committee that a further eight letters of objection had been received since the publication of the Committee report.

Ms K Redfern, Safety Officer for the British Horse Society addressed the Committee to object to the application. The application would have a negative impact on horse riders and there were approximately 100 riders locally.

Access to the Derwent Walk from the B6310 was along a single track drive. While this coped well for local residents vehicles and equine access to the off road riding that the Derwent Walk provided, the addition of café traffic which was unfamiliar with the restrictive road would lead to this access for riders to be extremely dangerous. A horse was capable of travelling at 40 m.p.h. as a result of fear and flight and this could lead to injury or fatality.

Approaching the Derwent Walk from Arch Bridge, horses would become immediately startled by light reflecting on the glass of the proposed structure. Travelling northeast below the Arch involves moving from dark to light and horses would be confronted by light, the movement of large numbers of people and unusual aromas from food. The platform access track would be fenced and narrow, again creating hazardous access for horses and visitors.

Ms Redfern asked the Committee to refuse the application.

Mr P Tomlinson, local resident, addressed the Committee to object to the application. The residents of Lintz Green were overwhelmingly opposed to this application on the grounds of architecture, noise pollution and vehicular access.

The proposed café building was too big for the site and was not in keeping with existing buildings.

Although the original application was for a café it was also to be used as a music venue and if this was so then adequate soundproofing would be needed to prevent noise pollution. There were traffic concerns about the application. The Highways Engineer considered that the site was unsuitable for additional motorised vehicle generation and Mr Tomlinson questioned how deliveries would be made and musicians would access the venue, and the Public Rights of Way Officer was not in favour of any attempt to attract passing motorised customers from the B6310. Mr Tomlinson asked the Committee to refuse the application.

Dr R Sinclair, applicant, addressed the Committee. He had lived in the area for 26 years and had moved because of the peace and quiet of the area. There was no community centre or base in the area.

There had been an increased usage of the Derwent Walk/Red Kite Walk and the proposed site was in a prime location for a café facility. 400,000 people used the Derwent Walk in its entirety every year and the site was at a point where it was easy for people to cycle to. Any customers who tried to access the café by car would be refused service. The café would be a unique facility for walkers, cyclists and horse riders.

When he moved to the area 26 years ago Dr Sinclair informed the Committee that Derwent Valley was going through a period of decline. However, the area was now thriving with businesses being run from houses.

Dr Sinclair informed the Committee that he would not wish to create an atmosphere in his garden which was detrimental to him. Four out of seven houses in the area had not objected to the proposal and he had invited neighbours to discuss the application, as he was very community minded. He asked the Committee to approve the application.

Councillor Shield informed the Committee that he had visited the application site at the request of the applicant. He was familiar with the Derwent Walk which was a very attractive walk. While there had been objections to the proposed late opening of the facility when events were held there, this was conditioned to be only until 10 p.m. twelve times a year, and only on a Friday or Saturday. Councillor Shield referred to the drainage issue and the joint septic tank which was not on the applicants land and sought clarity on this.

The Planning Officer informed the Committee that there were two septic tanks, one for seven houses and one for the Station House, not on the applicants land. A foul drainage assessment form had been completed which showed sufficient capacity in the existing septic tank and the proposed

conditions of the planning permission would ensure it was for the applicant to demonstrate such capacity.

Councillor Shield sought more information on the proposed lighting of the café and asked about the monitoring of food hygiene standards. The Planning Officer replied that condition 5 of the permission required the maintenance of a dark corridor and the café would use downlights rather than outward spreading lights. Environmental Health would carry out licensing checks to ensure the maintenance of food hygiene standards.

Councillor Shield referred to Lintz Green Road which was single track and possible restrictions on using the road, for example a sign to state it was for private use only. The Planning Officer replied that while not a planning matter the landowner could restrict access subject to permitted rights.

Councillor Shield informed the Committee that the application had no objections from statutory or other consultees, breached no policies and complied with Policy EN1 of the Derwentside District Local Plan. He **moved** the recommendation to approve the application.

Councillor Hopgood, in **seconding** approval of the application, referred to Condition 7 and the need to ensure topsoil levels were the same as currently on site.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions contained in the report.

c DM/18/02961/FPA - 41 Carrowmore Road, Chester-le-Street, DH2 3DY

The Committee considered a report of the Planning Officer regarding an application for the change of use of public open space to a domestic garden (for copy see file of Minutes).

N Graham, Planning Officer provided a detailed presentation on the application which included a location plan, site plan and site photographs.

The applicant, addressed the Committee in support of the application. The application had been driven because of issues of anti-social behaviour the applicant was experiencing, with both eggs and conkers being thrown at his house because of its location adjacent to this parcel of land. Young people congregated in the area and climbed into the grounds of The Hermitage. This was not new but was an ongoing issue. A leaflet circulated by

Councillor Paul Sexton had referred to the anti-social behaviour issue in the Garden Farm area.

If the area of land, which measured some 0.3 hectares, was enclosed this would reduce the opportunity for anti-social behaviour. The land would be enclosed using a post and wire fence and mixed hedge, which in time would obscure the fencing. The applicant asked the Committee to approve the application.

Councillor J Robinson referred to the planning history of the site which showed two previous applications for this site which had been refused and dismissed on appeal. The Planning Officer referred the Committee to paragraphs 63 to 65 in the report which provided details of the two refused application and also details of an application made in 2012 for the enclosure of land immediately to the south of 41 Carrowmore Road, which although approved under delegated powers, noted that any future encroachment into this space would be deemed to seriously erode the amenity value provided by the overall stretch of land and would need to be resisted.

In reply to a question from Councillor Shield, the Planning Officer informed the Committee that the owner of the land was unknown.

Councillor Bainbridge informed the Committee that the area of land was identified by the County Council as designated open space and was used by residents on the estate. To enclose the land would remove the available open space for local residents.

In response to a question from Councillor Darkes the Planning Officer informed the Committee that the applicant was different to that who made the 1991 application.

Councillor Boyd, while being sympathetic to the case put forward by the applicant, moved to uphold the recommendation to refuse the application because to enclose the land would remove a local amenity. **Seconded** by Councillor Milburn and

Resolved:

That the application be refused for the reason set out on the report.

6 Appeal Update

The Committee considered a report of the Principal Planning Officer which provided details of recent decisions in relation to the following:

- application DM/17/03957/FPA for the erection of a general purposes agricultural building at land to the rear of 5 Front Street, Burnhope. The Principal Planning Officer advised that the appeal had been allowed by the Planning Inspector.

- application DM/18/00036/FPA for the material change of use of a residential annex to a dwelling at Woodlea Manor, Browney Bank, Lanchester. The Principal Planning Officer advised that the appeal had been dismissed by the Planning Inspector.

7 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/04001/FPA
FULL APPLICATION DESCRIPTION:	Retrospective permission for erection of a timber hay store and change of use of an equestrian arena to an indoor play area, re-cladding of existing 'play castle' and creation of additional outdoor activity areas in defined spaces including use of quad bikes and buggies as set out in the Operational Management Plan
NAME OF APPLICANT:	Mr Ian Emerson Mini Maxi Moos Adventure Land Holmside Park Arena
ADDRESS:	Holmside Lane Edmondsley Durham DH7 6EY
ELECTORAL DIVISION:	Sacrison
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The revised extent of the application site for the operation is 5.16ha of land at Holmside Park, on a site previously operated as Mini / Maxi Moos Leisure Park, between the villages of Holmside and Edmondsley, 2.5 miles west of Chester-le-Street. Holmside is around 240m west of the closest part of the outdoor activities, separated by a paddock and the deeply incised and wooded valley of Wardle's Burn. Edmondsley is over 1000m to the west, on higher ground with agricultural land between. There are also surrounding farm groups containing residential properties, including those at East Farm 825m to the east. Mill House Farm is 400m to the north-west, separated from the development by Wardle's Wood and Cong Burn. Wheatley Green Farm is 480m to the north, separated by the two areas of woodland along Wheatley Green Burn and Wardles Burn. West Edmondsley Cottage Farm is 340m to the south-west, south of Wardles Bridge.
2. The operation includes the use of the existing large building originally erected as an equestrian arena, 0.46ha in size in its own right, and the open, sloping land between this building and the road to the south and south-east. The arena and subsequent outdoor land uses are served by a gravelled car park 0.47ha in area. Access is taken from the

classified road that fronts the site and the buildings of West Edmondsley Farm, which includes a listed farmhouse. Parts of the site, including grazing land adjacent the site entrance and to the rear of the listed farm group have been retained by the landowner and excluded from the leisure operation. The precise extent of the site for the operation has been defined during the course of the application and fits within the wider land ownership and mainly equestrian based land uses of the applicant. The open land around the farm group and horse arena slopes down away from the road towards a small watercourse, Wardles Burn, which is set in a deeply incised valley of trees designated as Ancient Woodland, a Local Wildlife site and protected by Tree Preservation Order are all excluded from the use. The woodland wraps around three sides of the site and contains a single public footpath which runs parallel to the east of the site.

3. The use of the site has been divided into a number of 'zones', defined within a Management Plan, that define different elements of the use.

The Proposal

4. The application proposes the indoor arena be used as an indoor play area with inflatables, archery ranges, ball pits and an expanded café area. Outdoor areas are defined for the use of 'it's a knockout' chaperoned games, children's play areas and slides, an outdoor play fort and driven buggy and quad areas. Since approval for a change of use in 2009, the site historically operated as a leisure operation initially aimed at children (Mini-Moos), then expanded to also attract older children and teenagers (Mini and Maxi Moos). The current application seeks to retain childrens' play areas, slides, ball pits, climbing frames and attractions, but also provide for a new adult market that could include 'team building' groups and hen and stag parties through 'it's a knock out' assault course games including outdoor inflatables, quad trails and buggy chases. The 'it's a knock out' games and buggy chase are the new physical element of the operation. The quad trails appear to have been part of the previous operation (from objector's letters), at least for a time, along with tractor and pedal cart tracks. As part of the new elements of the proposals, the application extends the leisure use into a paddock due south of the existing arena and cark park (identified as Zone 1 in the Management Plan). The previous use of the north-east field, surrounded on three sides by the woodland is now restricted to a slide.
5. The application was originally submitted as two applications, one to ratify existing structures on site from the historic operation, and one to identify new or amended parts of the operation, with a new site operator leasing the land for a leisure operation with a different emphasis in terms of attracting a wider age range.
6. The application has changed during the extended course of its consideration and in an effort to simplify matters has now been combined into a revised single proposal. The new application includes a Management Plan and a more detailed site plan that specifies uses to areas of the site, and by default shows where the uses will not extend to. The Management Plan is based upon an independent noise survey that Environmental Health Officers required the applicants to undertake to inform their consideration and advice on the application. It includes restrictions on the use and type of machinery and equipment and also specifies the maximum numbers of customers on-site and days and hours of operation.
7. This application is reported to Committee as a 'major' development given the size of the operation.

PLANNING HISTORY

8. 2/09/00317/COU - Proposed children's' farm including new agricultural building, conversion of part of existing arena to a soft play area, snack and sales area, educational room and provision of tractor and trailer ride.
9. DM/17/03901/FPA - Retrospective permission for erection of a timber hay store; The installation of a multi lane fibreglass slide on a formed earth bund and change of use of an equestrian arena to an indoor play area – application withdrawn.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
11. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *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.
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 15 - 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 unacceptable levels of soil, air, water or noise pollution or land instability.
18. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
20. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
21. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and so developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
22. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 170 of the NPPF provides policy support to this aspect.
23. *Conserving and enhancing the historic environment* – details and advises on the framework of designated and non-designated Heritage Assets, how to assess their significance and the potential for planning decisions to harm them.
24. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.

LOCAL PLAN POLICY:

25. The following is a summary of those saved policies in the Chester-le-Street District Local Plan 2003 (saved policies 2009) relevant to the consideration of this application:
26. *Policy NE2 – Development beyond settlement boundaries* – outside of settlement limits development will be strictly controlled. Development should protect and enhance the character of the countryside and be consistent with maintaining the economic sustainability of agriculture and other rural businesses.
27. *Policy NE8 – Sites of Nature Conservation Importance and Local Nature Reserves* – designated sites will be protected according to their significance to nature conservation. Planning permission will be granted only for proposals which; enhance the site, do not harm the nature conservation interest or minimise damage to the designated site.
28. *Policy RL9 – Recreation in Open Countryside* – Development for the quiet enjoyment of the open countryside or for sports activities which require a countryside location will be permitted providing they do not: damage the character and appearance of the countryside or the amenity of neighbouring residential properties, cause disturbance to rights of way or other recreation facilities, damage wildlife corridors, lead to loss of the most versatile farmland.
29. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.

RELEVANT EMERGING POLICY:

30. Paragraph 48 of the NPPF states 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

31. Note: As the application in its current form is to some degree a composite, including elements of the parallel application described in the 'history' section, since withdrawn, the following summarises the responses to both, so as not to disadvantage any consultee, public, statutory or internal.

STATUTORY RESPONSES:

32. *Highways* – Highways Engineers have asked that the entrance to the site be improved for visibility at the site access. These works can be carried out within the highway verge. Engineers note the site benefits from an existing planning consent, and has operated as a leisure facility, accessible to the public for an established period of time. Despite residents' concerns at pedestrians attempting to access the site on a wholly vehicular highway, there are no records of accidents trends associated with the crossroads or the site access which could be attributed to the development. Further, resident's concerns at the applicant's stated 16k visitor figure would equate to only 20 vehicles per day – albeit it acknowledged this could be higher on weekends and in school holidays. In highways terms, Engineers advise that these are very low traffic levels in terms of trip generation to the site and that the applicant's argument that similar visitor levels may already exist when the site is in full operation.

INTERNAL CONSULTEE RESPONSES:

33. *Environment, Health and Consumer Protection (Noise)* – Officers write as a summary to their detailed response, *'The applicant has provided a robust noise assessment of the activities on site. The assessment demonstrates that the noise arising is within the thresholds stated within the councils TANS and BS 8233. This does not mean that activities will not be audible to nearby residents, however it is not considered to be at a Significant Observed Adverse Level. However, it is clear from qualitative evidence provided by the assessment and residents' complaints that at times and when certain activities such as "it's a knock out" is ongoing the noise may cause some changes in behaviour such as spending less time in the garden and/or closing windows for short periods of time.*

34. *However as stated the above view is made based on a number of mitigation measures. Without the mitigation measures as it is believed the site was run when initially opened, then the impact is likely to be significantly worse as demonstrated by the level of complaint received. As such to ensure the method of operation is within acceptable parameters further controls are required. The further controls have been provided in the format of a Noise Management Plan. The noise management plan has been devised with due consideration for the issues raised by complainants, identified by the noise consultant and officers of this Service. This document requires a number of mitigation measures on site. This includes matters such as orientation of speakers, specification of buggies and also limiting the times and occasions for "it's a knock out" events. This document is intended on ensuring that activities cannot be undertaken that increase the noise impact discussed within the above response. The document, with relevant conditions attached to any permission, allows for specific regulatory control by the Local Authority to ensure that the issue of noise is appropriately managed and the uses on the site are adequately controlled. This is an improvement on the total lack of regulatory controls on the previous use, which has been demonstrated as having the potential of similar noise level to the further development.*

35. *The environmental impacts have been assessed which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and the Officer comments as follows:*

36. *Having considered the information submitted with the application Officers are of the opinion that the granting of planning permission for the development (without a Management Plan) may potentially result in a statutory nuisance being created, as clarified below. As discussed in some detail above, should the operators alter the use of the site or remove mitigation measures (contained in the Management Plan) then there is the potential that a statutory nuisance will arise. However, it is considered that the following conditions (to ensure compliance with the Management Plan) are sufficient to*

mitigate the potential of a statutory nuisance and therefore if affixed will remove the objection to the development:

37. *'The management plan hereby approved as document (XX) shall be fully implemented and permanently retained thereafter. Any amendments to the said document must be submitted and approved in writing by the Local Planning Authority'.*
38. *Design and Conservation* – note the site is within the setting of a grade II listed building, the C18 West Edmondsley Farmhouse. In this regard *'the combination of the varying topography, shielding afforded by the hedgerows lining the main road, and the treed boundaries and detached farm buildings that tightly enclose the listed farmhouse, assist to create a lack of direct visual interrelationship between the asset and the areas affected. This reduces the impact on the setting of the designated heritage asset to a neutral conserving level. For the reasons set out above, there is no objection to this application from a heritage and design perspective'.*
39. *Landscape* – Landscape Officers note there are no landscape designations on or around the site, but suggest that the roadside hedge could be reinforced. (Note: the implications of the Tree Preservation Order, Local Wildlife Site and Ancient Woodland designations are dealt with elsewhere).
40. *Ecology* – Officers have confirmed that if the changed use is kept physically separate from the Local Wildlife site – i.e. the woodland, they have no objection to the proposals.

PUBLIC CONSULTATION EXERCISE:

41. Twenty-one consultation letters were originally sent out to Holmside Village and other surrounding dwellings. All original consultees and additional correspondents were re-consulted on the applicant's Management Plan and revised site layout plan when the two applications were amalgamated. Eight responses (two from the same property) were received objecting to the revised application:
42. Concern is raised that the additional use of inflatables with the outdoor 'it's a knockout' activity will result in additional generators on site. Generators on the site servicing the building led to the involvement of the Environment Agency to have it removed. The proposals could see up to 12 generators in use at any one time, which will have a corresponding increase in noise, targeted at the summer months. Objections relating to buggies and quad bikes, both for noise and intrusion into the woodland remain – the woods are extensively used by the local community and should not be used for the profit of minority interests. The use of mobile 'Tannoy Systems' will also add significantly to the overall level of noise pollution.
43. The objectors contend that, *'the geography of the site sees even low levels of noise being heard extensively throughout the whole village, the overall effect of the revised application if they are accepted will potentially see most if not all these proposed changes being in use at the same time for significant periods throughout the year. Throughout the summer of 2018 there was scaled down versions of the activities proposed for the site. The amount of shouting and noise from visitors could be heard at such a level that it was possible to hear the noise as if they were immediately outside our property in the street. This level of disruption will significantly increase in the corresponding rise in visitors being attracted to Its a Knockout events that will detrimentally impact on the residents in Holmside. Holmside is a quiet rural community which has at its heart all the benefits of the natural environment we live in these proposed revisions will fundamentally and negatively change that in a way that will directly impact on the lives of the whole community in our village'.*

44. Objectors north-east of the site suggest the use of bunds to reduce noise from the buggy operations, noting noise levels have increased recently and that in the mid-1990s there was noise from quads running through the woodland and into the fields at Mini-Moos. Concerns are raised at the operation infringing on existing rights of way. Noise impacts over the last summer emanate from 'young voices shouting and screaming', carrying 'over the short distance' to adjacent farm groups. Intrusion into the woodland by the use and built development is alleged. Effects are contended to affect elderly residents in particular. This urban type use is contended inappropriate in a rural setting.
45. Responses to the re-consultation exercise acknowledge the attempt to control the use through the Management Plan, but still conclude that the measures proposed do not go far enough, with the current use causing distress and affecting residential amenity and well-being to an unacceptable extent.
46. The original applications were sent objections from around 14 dwellings, a petition with 24 addresses from Holmside, and objections from the Parish Council and The Woodlands Trust. In the absence of any advice to the contrary, these objections, submitted when the applications were first consulted on, must be regarded as maintained. It is noted that there was a high degree of overlap and consistency in the responses to the now combined applications.
47. Edmondsley Parish Council wrote following the applications being discussed at one of their meetings, noting Cllr. Wilson's attendance, passing on residents' concerns relating to: Noise from loud voices, screaming and swearing, tannoy and loud music, all of which the residents can hear very clearly, damage to the Public Right of Way, damage to ecology, increase in traffic beyond the capacity of the road network, and the dangerous nature of the activities proposed, with the potential for alcohol consumption. They note the submission of the petition and have confirmed following the re-consultation that their concerns remain.
48. The Woodland Trust have written to object and updated their objection when the NPPF was revised. Their detailed objection is two-fold – that the proposals represent a physical intrusion into the Ancient Woodland and physical damage to a protected and irreplaceable natural asset, and then that the proximity of the use will likewise cause damage. They suggest a 50m separation to the woodland to protect it.
49. The re-consultation exercise elicited one letter of support from a local resident, who notes that whilst noise from the operation was apparent, it did not detract from the use or enjoyment of their garden. Holmside Park is seen as an investment in the area and a source of jobs, particularly for the young. The use is considered capable of coexisting with the village and the surrounding countryside.

APPLICANT'S STATEMENT:

50. My name is Paul Banks, I am the Managing Director of Holmside Park. I am submitting this letter in support of our planning application. We purchased the lease of Holmside Park, formerly Mini Moo's Farm, in March of 2018. We have spent half a million pounds during refurbishment of the indoor and outdoor park facilities along with employing some 30 locals to help run the facility.
51. We have invited the local community on several occasions to the Park to help understand how we were going to advance the park. We had 10 people attend the first meeting and 12 attend the second. We now send communications out via letter once every quarter to Holmside Park residents informing them of what we have done to

improve the park and what we would like to do, looking for their feedback. My person telephone number and email address are always on these communications.

52. I feel it is important to state from the start that the former owner of Mini Moos Farm does not have anything to do with Holmside Park.
53. To date, all things that we promised the village that we would do, we have done. This includes; the removal of the generator which was a temporary situation due to the lack of electricity to the complex. Brought in an independent sound survey company – reports should be with the planning application in the possession of the planning officer.
54. The survey showed that the activities we were now doing on top of the old ones have had little to no effect to the environment or people. Also, that the noise levels should not be used against us in the planning application. Despite these factors, as a company we still looked at ways of reducing further disruptions to our local community.
55. We have spent a huge amount of money on installing a new electrical supply to the complex which then takes away the need for the generator. A Directional sound system which allows us to communicate directly to our clients. We also implemented a procedure which only allows the petrol driven fans to be operated when the games are in play. Unlike previously when all fans were running constantly for the 3 hours of the gaming competition.
56. On the Motorised side, again it was found that there was no impact to the environment or people with this. However, as a company we have moved the motorised area to the furthest part of the complex away from the village. This would mean that if there was any impact this would then lessen it.
57. On gaining planning permission for these extra activities, the company will again be investing in young people creating jobs in the park for apprentices and full-time maintenance people. The company stipulations for employment in this park is all employees going forward would be coming from a radius no more than 8 miles from Holmside Park. We believe this is right thing to do for the area, in what is high in unemployment and little opportunity for young people which may force them out of the village and local areas. Our last lot of job vacancies were sent out via post to all houses in local villages, those positions were then filled by local people. We believe all the skills needed to run our facility at Holmside Park are available in the surrounding areas. We do believe in going forward that our business at Holmside Park will become an asset to the community in which it serves.
58. Our view is to always work with the people in the local community to achieve the best for both the company and the surrounding area alike.
59. To this end the company has to be always looking to be in front of the curve on what is relevant in todays market and the one thing that our facility is focussed on is the health and wellbeing of both the adults and children of the community who get the opportunity to come and use our facility with all the health benefits it brings, be it, the obstacle courses, the play facilities or the walks through the woodlands.
60. I hope the committee understand our goals and feels it is worthy of the planning permission in which we seek.

The above is not intended to list every point made and 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/applicationDetails.do?activeTab=documents&keyVal=P0UY03GDIVA00>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

61. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to the noise implications of the use, with highway safety and the effect on the adjacent woodland also important considerations.
62. It is important to acknowledge that this site has been in operation for 10 years as a leisure attraction and during this time additional activities have been introduced primarily to attract a wider audience/customer base. As such the proposals represent an evolution of an existing operation that benefits from planning consent.

The Development Plan

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
64. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Policies RL9 and NE2, are the two most relevant policies for the use of the site, the former seeking to protect the amenity of neighbouring residential properties, the latter seeking to enhance the character and quality of the countryside. Officers view on the acceptability of the use in noise terms must be led by the detailed assessments, investigations and advice of Environmental Health Officers. As an established leisure use in the countryside, bringing economic activity and employment into a rural area, the land use has considered compatible with Policy NE2 in benefitting the rural economy. These policies are considered to have compatibility with the NPPF and therefore have material weight in considering the planning application.

The NPPF

65. In terms of the Framework, the 'most important policies for determining the application' are, as noted above, RL9 and NE2 are considered to have a high degree of consistency with the advice in the NPPF and are not out of date so, paragraph 11 of the NPPF is not engaged.

Noise

66. The principle consideration of the proposals is the effect on residential amenity required by RL9, significantly informed by the advice in the NPPF and NPPG. The application, in its varying forms, has been with the Planning Department for some time. Whilst it is acknowledged that this has caused frustration to some local residents, this has had the

benefit of allowing the use and its impacts to be formally assessed in operation, rather than requiring a judgement being made on the likely impacts, with no technical reports originally submitted. Further, where unacceptable impacts have now been identified, this has allowed mitigation for them to be assessed, discussed and to inform the Management Plan that now accompanies the application. The surrounding residential environment is in the first instance the settlements of Holmside and Edmondsley, but also includes surrounding farm groups such as Mill House Farm to the north-east, Wheatley Green Farm to the north, East Farm to the east and West Edmondsley Cottage Farm to the south-west.

67. The NPPG advises that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Noise concerns can override other planning concerns, but neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. Local planning authorities' decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Government advice notes that, 'As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.'

68. This has been the role of the Council's Environmental Health Officers in this application. They set out the parameters required for the Noise Assessment to be undertaken by a recognised independent firm on behalf of the applicants to inform both whether the proposals were likely to result in a Statutory Nuisance, an area within their own control, and reasonable expectations of residential amenity which is the Planning assessment.

69. The NPPG sets out a tabulated summary of the noise exposure hierarchy, based on the likely average response, with seven levels of increasing noise effect with recommended actions. The current application appears to sit within the following band:

Perception: Noticeable and intrusive

Examples of outcomes: Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.

Increasing effect level: Observed Adverse Effect

Action: Mitigate and reduce to a minimum

70. The Noise Assessment advised that the effect of the operation is at 'Observed Adverse Effect' level, and the Management Plan identifies the 'actions' required to 'mitigate and reduce noise to a minimum'. The Environmental Health Officer considers this, 'suitable and sufficient so as to ensure the above threshold levels are met and the impact of the development is reduced to that below a 'significant observed effect level', which is defined in the Noise Policy Statement for England (NPSE) March 2010 as, 'the level above which significant adverse effects on health and quality of life occur'.

71. He writes, 'I have noted the objections stated by local residents and this Service has also been involved with complaints received from residents. A number of complaints were received when the premises began to operate and were duly investigated. Several of the complaints related to an external generator. Once the operators were notified of the complaints they took steps to remove the generator and this action alleviated a

number of complaints. However, complaints were also received in relation to the general operation, specifically the “it’s a knock out” element. This was investigated further, including officers offering to visit the complainants’ premises on a Saturday to monitor the noise arising. The complainant declined this offer.

72. The Environmental Health Officer writes further, ‘when considering the impact of a proposed develop it is also pertinent to consider what is the existing noise arising from the areas which already benefit from consents. As such the applicant was asked to provide an assessment of the noise associated with the children play areas in the absence of the areas that this application refers to. The assessment found that the noise levels arising from the activities preceding the “it’s a knock out”, were very similar to the period at which the event was occurring. This therefore gives the indication that although the “type” of noise may differ from that which already has permission the actual noise level differs little. However, it should be noted that the effect of noise on an individual can differ significantly depending on the source. Often noise such as children playing is not seen as “unpleasant”, whereas noise from adults raised voices is likely to be considered more intrusive. In addition, the “it’s a knock out” area is closer to residents’ properties than the children play area and as such any noise arising is not directly comparable’.
73. It is a particular concern of objectors that the noise survey was conducted with a lesser number of customers on site than is potentially allowed as a maximum by the Management Plan. Other residents query whether the surveys and assessments used by the independent noise consultant and by the Council’s own noise Officers was representative in terms of noise source, numbers of customers, types of customers, along with the potential for the maximum number of inflators proposed to be used together has been accounted for. It is part of the nature of noise that the numbers of people on site does not increase the noise impact proportionately. This is, and the other variables referred to by concerned residents has been factored into the Environmental Health Officer’s assessment and conclusions.
74. The Technical Officer’s summary, set out in the Internal Consultee Responses above, concludes that a condition requiring adherence to the Management Plan should result in the site activities not reaching the Significant Observed Adverse Effect Level (in the NPPG). On this basis Planning Officers consider that the noise implications of the proposals have been assessed in detail against the national advice and requirements. It is concluded that against this assessment hierarchy the proposals are acceptable subject, as recommended by Environmental Protection Officers, to a condition that requires compliance with the Management Plan. This of course gives the Council control over compliance. The proposals are concluded compliant with the relevant part of Policy RL9 on this basis.

Highway Safety

75. Despite historically serving the Mini-Moos operation, the Highways Officer objected to the existing access serving the new operation, concerned that the wall surrounding the farm group that includes the listed building obscures visibility for cars egressing the site. He has provided dimensions for an enlarged arrangement that could be implemented in the highway verge. It is suggested that should this consent be granted, that a condition be applied to ensure the implementation of the required arrangement before the peak period of the use, this being the main summer season. This would bring the required compliance with Policy T15 to ensure that a ‘safe access to the site and the classified road system will be provided’.
76. Highways Officers have further commented in detail on the additional volume of traffic the proposed changes to the use is likely to generate, concluding that, ‘In highway terms

these are very low traffic levels in terms of vehicle trip generation to the site'. Concerns from residents near Edmondsley that a pedestrian clientele has been generated between the village and the site and this is a safety concern are difficult to quantify, both in the absence of clear evidence, as to whether they relate to the extended element of the operation under consideration, and ultimately in the absence of any recorded accidents. The site is 1.64km from the bus stops at Edmondsley crossroads and demand for access to the site by pedestrians is not obvious.

77. No concern has been raised at the potential for dust from the buggy operations causing safety issues on the road fronting the site from Highways Officers, as suggested by one resident.
78. Some residents claim their own accesses onto the road between Edmondsley and the site are dangerous for pedestrian and vehicular use, and the additional site traffic will exacerbate this. With highways engineers comfortable with the additional volumes generated, improvement of these features is a matter for those owners.
79. On this basis highways safety issues are considered to meet the requirements of both the Framework and relevant Development Plan Policy.

The Woodland Area

80. The woodland that wraps around the open areas proposed for the use, (plus the listed farm group, equestrian arena and grazing land) is designated Ancient Woodland, subject to formal Tree Preservation Orders and is a Local Wildlife Site (LWS). A single Public Right of Way (number 17) runs north/south through the woodland to the east of the operation, from the road to crossing of Cong Burn at Mill House Farm.
81. The woodland area is within the wider control and ownership and lease of the applicant and operator but is outside the development site within which the use would operate.
82. The objection from the Woodlands Trust sets out in detail the Policy background for considering applications affecting Ancient Woodland. When the current operator's use first started there appears to have been an intrusion into the woodland by customer's quads, with a number of objections by local residents specifically in relation to this. Objectors indicate that the Mini-Moos operation had previously included this type of use of the woods, but that the Mini-Moos business has over recent years gradually receded to a much-reduced level of operation. The Management Plan and the site plans now clearly show that there must be no vehicular intrusion into the woodland by the leisure operation and its customers. If the application is approved on the basis of the Management Plan, the Council has enforcement control over any transgressions of this requirement. This is considered to address objections relating to the physical intrusion of the leisure use into the woodland and is potentially an improvement over the previous operation. It is noted that this does not preclude quads being used for maintenance of the woods and the land ownership by the land-owner or the lessees.
83. The second leg of the objection in relation to the woodland relates to the implications of the proximity of the use and its flora and ecology. Again, it is noted that the application seeks a variation of an existing use rather than a new use. Whilst the Mini-Moos operation has run down, it is clear from the site layout at the point of application, and from historic Google Earth images that tractor rides and forms of buggy and quad bike rides have been a feature of the former leisure operation. The Woodland Trust suggest a 50m buffer for the use from the trees. The extension of the use into parts of the site not previously used is shown on the plan as Zone 1 – where the 'it's a knock out' element is run. This is 77m from the woodland at its closest. The Buggy chase are and

quad trail track are on parts of the site where Mini-moos had vehicular attractions in the form of tractor trailer rides and carts.

84. In view of the historic uses and operation on the site including apparent physical encroachment into the woods, the introduction of the Management Plan in ensuring a cessation of physical intrusion but with an intensified use of the surrounding open areas is considered on balance to potentially represent a neutral effect in the relationship with the Ancient Woodland and LWS. The County Ecologist is comfortable with this approach. This conclusion is relevant both to the Ancient Woodland designation and the Tree Preservation Order Policy NE8.
85. There have been complaints from objectors regarding historic and recent storage and erection of buildings within the woodland areas. This issue is now being investigated separately by Planning Enforcement Officers. At least some of these elements, have evidently been in the woodland area for some time and relate to the use of the site before the current operation.

Other Issues

86. Objection has been made to the effect of the use – principally the quads – in terms of resident's leisure use of the woodland and footpath. The Management Plan effectively prevents interaction between walkers on the path and the vehicular leisure operation and gives the Council enforcement control over this if required. It does appear that the locals' use of the woods strays beyond the Public Right of Way into the wider woodland area. This is an issue for the landowner, especially if the wider access amounts to a trespass. The Management Plan allows the Council to control both the geographical extent of the operation, and numbers of customers in the noise critical elements. This is of particular importance given the potential lack of clarity of the ill-defined existing consents.
87. Residents claim that there is no benefit to the village from the use. The Mini-Moos facility was an established attraction that both created employment in its own right and will have brought additional expenditure from visitors into the wider area. The new operation likewise employs from the local area and will have additional benefits in attracting visitors to the area. This is of positive material weight when considering the planning application and brings compliance with the requirements of Policy NE2. Creating employment opportunities for rural areas and small villages is an important aspiration of the Council and is a material planning consideration.
88. Some residents contend the site, with the use of inflatables in particular makes the site, 'visible for miles'. Landscape Officers suggest that the hedgerow across the front of the site could be reinforced. As described in the introduction, the site slopes away from the main road, and whilst the 'loop' for the buggies is roadside, the main part of the operation, sited on the sloping land, is separated from the roadside by the landowner's, as opposed to the operator's, land excluded from the use and retained for grazing. The roadside hedge provides perfectly adequate screening from the road. Glimpsed partial views south of the open parts of the site are possible from Wheatley Green Road 670m north of the site. This impact is not considered significant, and the countryside in this location is not designated as a protected landscape.
89. Residents object that the operation will detrimentally affect house values in the area. This is not a material issue in the planning assessment.
90. Likewise, not relevant to the planning assessment are residents' queries regarding the lease, and the ownership arrangements / lease between the applicant and the site operators.

CONCLUSION

91. The principle of the use and therefore its compliance with Policy NE2 is already established through the previous operation, therefore the 'most important' policy for determining the application is RL9. This Policy has required an assessment of the increased noise issues against reasonable expectations of residential amenity. Providing the Management Plan is conditioned, Officers conclude this aspect of the proposals is acceptable.
92. Additional important elements of the planning application assessment relate to highway safety and the various mechanisms protecting the Woodland interests. Again, a condition is considered an appropriate mechanism to secure the necessary highways entrance improvements. The operator has indicated a willingness to undertake these improvements should the application be approved. For the Woodland, the historic leisure use of the site has been attributed a direct impact on the issues raised as of concern by the Woodland Trust and residents. Acknowledging that the proximity of the revised operation will have an indirect effect on the woodland, balanced against a guarantee of no direct physical impact the proposals are considered on balance to have no greater effect on this protected flora and fauna.
93. It is on this basis that subject to appropriate conditions requiring compliance with the submitted Management Plan and implementation of access visibility improvements the application is recommended for approval.

RECOMMENDATION

95. That the application be APPROVED, subject to the conditions detailed below:
1. The development hereby approved must be operated wholly in accordance with: the submitted 'Operational noise management plan', Updated Application Site Plan and the Zones Plan, within the areas defined as the Application Site and the Extended Lease.
Reason: To ensure an acceptable level of amenity for surrounding residents and protect the surrounding Ancient Woodland and Tree Preservation Order in accordance with Policies RL9 and NE2 of the Chester-le-Street District Local Plan (saved policies) and the advice in the NPPF and NPPGs.
 2. Within three months of the date of this consent, the applicants must submit for approval in writing by the Local Planning Authority and implement in full a scheme to improve the visibility splay at the entrance to the site, or the use must cease
Reason: In the interests of highway safety, in accordance with Policy TR2 of the Chester-le-Street District Local Plan (saved policies) and the advice in the NPPF.

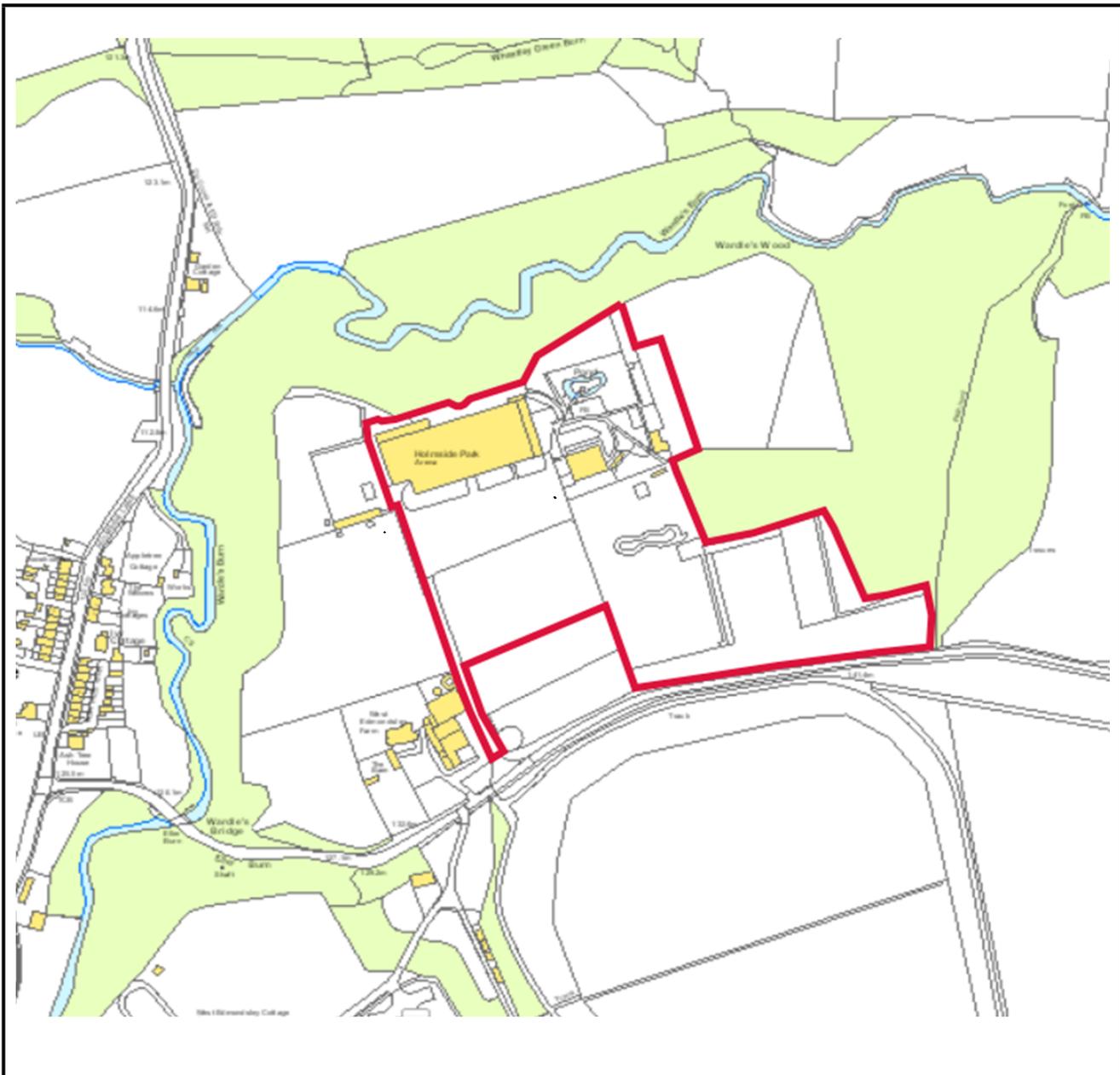
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Chester-le-Street District Local Plan 2003 (saved policies 2009)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Retrospective permission for erection of a timber hay store and change of use of an equestrian arena to an indoor play area, re-cladding of existing 'play castle' and creation of additional outdoor activity areas in defined spaces including use of quad bikes and buggies as set out in the Operational Management Plan.

Application Number DM/17/04001/FPA

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Comments

Date 28th February 2019

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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS DETERMINED

Appeal against the refusal of retrospective Planning Permission for the erection of a shed within a parking bay on land to the south of 108 Meadowfield, Burnhope (DM/18/01105/FPA).

The application was refused under delegated powers on 15.06.18 on the grounds that –

‘The shed reduces parking to the host property, displacing parking of vehicles into other areas of the housing estate. As such the application is contrary to criteria c of Policy TR2 of the Derwentside District Local Plan which requires adequate parking space to be provided.

The shed which is sited on a parking bay is considered to have a negative impact on the character and appearance of the area contrary to criteria A of Policy GDP1.’

The appeal was dealt with by way of written representations and an unaccompanied site visit.

The main issues in the determination of the appeal were the effect on the character and appearance of the area and the impact on parking and highway safety.

In terms of the impact on the character and appearance of the area the Inspector noted that the shed is of a significant size and is uncharacteristic of the development in this location. Its scale and location significantly contrasts with the more limited domestic scale of existing timber structures and outbuildings and detracts from the open character of the parking area which is otherwise free from development.

With regard to parking, it was noted that the development reduces that amount of parking associated with the applicant's property which has the potential to have an adverse impact on highway safety.

The Inspector noted the lack of storage space within the property and its curtilage and gave this limited weight in support of the proposal, however this was not considered to be sufficient to outweigh the identified harm in respect of the effect on the character and appearance and parking and highway safety issues.

The appeal was dismissed.

An appeal has been received against the refusal of retrospective planning permission for the retention UPVC cladding affixed to the front of the property (DM/18/01983/FPA) at 70 Castlefields, Bournmoor.

The application was refused under delegated powers on 22.08.18 on the following grounds –

'The proposal by virtue of the material choice and design would result in an incongruous addition which would not be considered to be in keeping with the existing dwelling or the streetscape thereby having a detrimental impact on the character and appearance of the dwelling and streetscape. As such, the proposal is contrary to National Planning Policy Framework Section 12, paragraph 127(c) and paragraph 130.'

The appeal was dealt with under the written representations procedure.

The Inspector felt that the extent of the cladding is not excessive, does not appear out of character with the building and does not have an overbearing impact.

It was noted that the appeal site is located at the head of a cul-de-sac and the property only becomes apparent on progressing some distance into the cul-de-sac. As such the proposal would not appear as an incongruous or obtrusive feature within the streetscape of the cul-de-sac or the wider estate.

It was concluded that the proposal does not harm the character or appearance of the host building or streetscape.

The appeal was allowed. No application for costs was made.

APPEALS RECEIVED

An appeal has been received against the refusal of planning permission for the construction of four dwellings on land to the east of The Byre, Cornsay Lane, Cornsay (DM/18/01399/FPA)

The application was refused under delegated powers on 20.07.18 on the following grounds –

'The public benefits of this proposal in terms of housing supply, the construction sector and community viability would not be substantial to the extent that they outweigh the substantial harm to the designated heritage asset of the conservation area therefore paragraph 14 and 133 of the NPPF direct that this application should be refused.

The proposal conflicts with the core planning principles within the NPPF in regard to the potential for a low carbon future and locating development where sustainable modes of transport for the movement of people can be exploited. Therefore this is not a sustainable location for new dwellings contrary to Part 1 of the NPPF.

The proposal fails to protect the existing landscape and open land which is recognised for its visual amenity value contrary to Derwentside Local Plan Policy GDP1 and would result in an encroachment into the countryside contrary to Derwentside Local Plan Policy EN2 and the development would have an adverse impact upon the landscape contrary to Derwentside Local Plan Policy EN1 and the NPPF.

The application has failed to demonstrate compatibility with the NPPF and Derwentside Local Plan Policy in respect of residential amenity, protecting ecology and protecting the economy (agricultural sector).'

The appeal is being dealt with under the written representations procedure.

An appeal has been received against the refusal of planning permission for the change of use of land and erection of private stables on land to the south of Denesyde, Medomsley (DM/18/01309/FPA).

The application was refused under delegated powers on 18.09.18 on the following grounds –

'Due to the prominent position and lack of screening it is considered that the proposal would not restore or enhance the landscape and would result in adverse impacts to the landscape contrary to Derwentside Local Plan Policies GDP1 and EN1.

Due to the substandard site access arrangement involving a narrow access track with no passing places , lack of junction radii and poor visibility to the public road the intensification of the access track from the proposed use

would be prejudicial to highway safety contrary to Derwentside Local Plan Policy TR2.

The adverse impacts in terms of highway safety and the landscape significantly and demonstrably outweigh the personal health benefits of the development and therefore the NPPF does not direct this application to be granted permission.'

The appeal is being dealt with under the written representations procedure.

Report prepared by Fiona Clarke (Principal Planning Officer).