



Area Planning Committee (South and West)

Date Thursday 22 November 2012
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Declarations of Interest (if any)
2. The Minutes of the Meeting held on 18 October 2012 (Pages 1 - 8)
3. Applications to be determined
 - a) 7/2012/0346/DM - Land at Kelloe Bank, Trimdon Grange (Pages 9 - 22)
Erection of stables/storage building with hardstanding and retention of access
 - b) 7/2012/0348 - Sedgfield Racecourse, Racecourse Road, Sedgfield (Pages 23 - 32)
Erection of temporary marquee to rear of main stand during November and December 2012
 - c) 6/2012/0240/DM - Land at 2 Bankwell, Low Etherley, Bishop Auckland (Pages 33 - 44)
Erection of dormer bungalow and alterations to existing frontage area to improve turning space for vehicles
 - d) 3/2012/0393 - General Bucher Court, Hawthorn Road, Bishop Auckland (Pages 45 - 56)
Retrospective permission for 2.0m high timber security fence and gates
4. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
14 November 2012

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chair)
Councillor E Tomlinson (Vice-Chairman)

Councillors D Boyes, D Burn, M Campbell, K Davidson, P Gittins,
G Holland, E Paylor, G Richardson, J Shuttleworth, P Taylor,
R Todd, J Wilkinson, M Williams and R Yorke

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Crook on **Thursday 18 October 2012 at 2.00 pm**

Present:

Councillor M Dixon (Chair)

Members of the Committee:

Councillors E Tomlinson (Vice-Chairman), D Boyes, D Burn, M Campbell, K Davidson, J Gray (substitute for Councillor E Paylor), G Richardson and M Williams

Apologies:

Apologies for absence were received from Councillors E Paylor, J Shuttleworth, R Todd and J Wilkinson

Also Present:

A Caines – Principal Planning Officer
A Inch – Principal Planning Officer
C Cuskin – Legal Officer
D Stewart – Highways Officer
J Day – Senior Landscape Architect

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 Minutes

The Minutes of the meeting held on 20 September 2012 were agreed as a correct record and were signed by the Chair.

3 Applications to be determined

3a 3/2011/0378 - Struthers Caravan Site, Struthers Farm, Edmundbyers

The Committee considered a report of the Principal Planning Officer regarding an application for the redevelopment and extension of the existing caravan site, and relocation of access and associated drainage (for copy see file of Minutes).

A Caines, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised of amendments to paragraphs 57 and 77. Paragraph 57 referred to Local Plan Policy TL7 which should read TM7.

Paragraph 77 referred to Section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990, and this should be removed, the relevant legislation being Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Marion Forest from Edmundbyers Parish meeting addressed the Committee against the application. She stated that Edmundbyers was a small historic village of approximately 60 houses, characterised by a distinctive landscape in an AONB, and was a Conservation Area.

The Parish meeting considered that the application was contrary to a number of Local Plan Policies contained in the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007, which were set out in the Officer's report.

Whilst the Highways Authority had raised no objections residents believed that the increase in traffic would exacerbate road safety problems on the B6278. Having looked at the site from all angles a development of the scale proposed could not be absorbed into the landscape and it was unfair that such a small village would have to contend with a large expansion of a site that was immediately outside the Conservation Area.

Maria Ferguson, the applicant stated that she had worked closely with Planning Officers to produce an acceptable scheme in terms of layout and landscaping. The development would be phased thereby reducing any immediate impact. The main concerns appeared to be the visual impact of the proposals from the Muggleswick Road. This road was not well-used and was half a kilometre from the site.

The existing site already had permission for 30 caravans and caravan sites often occupied sensitive rural locations. The NPPF supported the provision and expansion of rural tourism developments.

David Anderson, the owner gave a background to the family business stating that the site was in need of modernisation to remain viable. Four full time employees and seasonal workers were employed, and the business helped to sustain the local economy. He was responsible for maintaining the farm's viability and the caravan site was paramount to its success. The demand for the additional facilities was already there as Edmundbyers was a beautiful village in an AONB which attracted tourists.

J Day, Senior Landscape Architect, DCC was asked to comment on the visual impact of the development. He advised that the views of the Landscape Section were summarised in the report, and despite discussions with the applicant to reach an acceptable scheme it was clear that screening would not be adequate in view of the sloped nature of the site. The proposals were contrary to Local Plan Policy TM2, the site would extend considerably beyond the existing settlement and the static caravans would be very visible.

A Member noted that there was already planning permission in place for 30 caravans and that the site was in a poor condition. The Principal Planning Officer responded that the current planning permission ensured that any additional

caravans remained close to the existing settlement. Proposals to modernise the site were welcomed, however this should not be a reason to either support or refuse the application.

A further Member commented that there were many caravan sites located in sensitive rural locations but that these were not intrusive because they were well-screened. It was clear that in the case of Struthers Farm it would not be possible to screen the site adequately.

In discussing the application Members noted that the NPPF advised that planning permission should be refused for tourism proposals in designated AONBs except where it could be demonstrated that they were in the public interest. The application was also contrary to Local Plan Policy TM2 as the proposal would detract from the landscape quality of the AONB due to its visibility in the countryside from the south.

It was therefore **Resolved:**

That the application be refused for the reasons outlined in the report.

**3b 3/2012/0251 - Land between Stanhope Station and Wear Terrace, Stanhope, Bishop Auckland
Formation of New Footpath**

Members were advised that this planning application had been withdrawn to seek clarification as to whether the application met the relevant criteria for referral to the Area Planning Committee.

3c 3/2012/0308 - Former Builders Merchant, Lydgate Lane, Wolsingham

Consideration was given to the report of the Principal Planning Officer regarding an application to demolish existing buildings and erect 9 no. dwellings (for copy see file of Minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

Councillor Savory, local Member addressed the Committee on behalf of local residents. The site was sloped and the erection of 9 dwellings would result in surface water running onto Lydgate Lane. The existing drainage system was inadequate and residents had already encountered problems with surface water flooding and sewage backing up into their properties. She understood that there were proposals for surface water discharge from the development to be directed to Trodbeck. This caused concern as the beck had flooded recently causing major damage, and the increased volume and pressure of water would increase the risk of further flooding.

She noted that the Environment Agency had not commented on the application and Northumbrian Water had offered no objections, however residents were concerned

about responsibility for repairs should the beck flood again and cause damage to properties and the road.

Lydgate Lane was narrow and the hardstanding utilised by residents as a turning area and passing place would be lost if the application was approved. Lydgate lane was extremely busy at school times and a recent traffic count revealed that 71 vehicles had used the lane in a single period. This would impact upon the safety of both pedestrians and drivers.

There were proposals for a footpath to be included in the scheme and this would pose a risk to pedestrians as vehicles travelling in both directions would have to mount the footpath to pass.

She also noted that a hammerhead was proposed on site and residents were concerned that there may be future plans for further development to the east.

To conclude whilst residents appreciated that development would take place on the land they considered that a reduced number of properties would be more appropriate.

Shaun Roberts, local resident explained that not all residents were against development of the site but had concerns about the specific plans under consideration.

He reiterated the concerns expressed by Councillor Savory in relation to highway and drainage issues and he also expressed concern that the proposed building line was closer to the road than at present. The dwellings would be positioned very close together and whilst he accepted that this was not unusual in Wolsingham, this was a new development and most properties in the town were built in the 1800s.

Mr Lavender, the applicant's agent stated that this proposal was in accordance with the NPPF and accorded with the Wear Valley District Local Plan. The development was within settlement limits and the proposed minor extension to the east was to improve visibility for safer access in and out of the site, in accordance with the advice of the Highways Officer.

With regard to the concerns expressed that the arrangements would lead to further development, he assured Members that the hammerhead was to allow access to the neighbouring field by the landowner.

The drainage proposals had been discussed with the Environment Agency and would represent an improvement to the current arrangements as there would be a measured and controlled direction of the flow of water into the beck without increasing the risk of flooding.

In terms of highway safety he pointed out that the site could be brought back into commercial or industrial use. This would be worse for residents because of the potential for commercial vehicle movements along the lane.

The Principal Planning Officer responded to the comments made and questions from Members. The land used as a passing place was in private ownership and as such residents did not have any rights to use it. This did not constitute sufficient reason to refuse planning permission.

Residential properties in Wolsingham, including Lydgate Lane addressed the road closely and therefore the proposed building line would not be harmful to the character of the area. If the building line was set back this would compromise the garden space to the rear of the properties and could affect the viability of the scheme.

D Stewart, Highways Officer advised that the site already had extant planning permission for 10 dwellings and 9 properties would not result in unacceptable pressure on the local road network or lead to highway safety issues. The footway would become part of the adopted highway and the proposed access would improve visibility.

A Member stated that he was aware of new developments where flooding had caused problems and he therefore felt that the views of residents should be taken into account.

In discussing the application some Members considered that the application should be refused because of the increased risk of flooding in an area that already had problems, and in view of the highway safety issues raised. The comment was also made that the development would impact upon the residential amenity of neighbouring properties, although it was noted that this had been addressed in the report and that the proposals were in accordance with Local Plan Policy H24.

However other Members felt that the issues raised had been addressed in the report, and by Officers at the meeting. They took into account the concerns of residents with regard to flooding and drainage but noted that the existing site was mostly hardstanding and that the proposals for surface water drainage, as detailed in the report would improve the current situation.

Resolved:

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

3d 3/2012/0334 - Land off Primrose Hill, Newfield, Bishop Auckland

Consideration was given to the report of the Principal Planning Officer regarding an outline application for the erection of nine dwellings with all matters reserved (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised of an amendment to paragraph 55. The separation distance between the nearest residential properties along Primrose Hill

and the proposed dwellings was 37m and not marginally less than 21 metres as stated in the report.

Stephen Wilson and Jackie Stanton, local residents, and Neil Northend, local resident and Secretary of the Millennium Green Trust addressed the Committee.

Stephen Wilson was concerned about the close proximity of the proposed dwellings to the rear of his property and as the site was located on an incline he believed that the additional hardstanding would increase surface water flow into his garden.

The drainage system had collapsed in parts of the village and the development would exacerbate these problems. In addition the land currently provided an environment for birds and other wildlife which would be lost if the application was approved. He also considered that these proposals may lead to further development in future.

Neil Northend was concerned about access. The village was served by one main road which was not gritted in winter and was impassable in snow and ice. The road was damaged by lorries and as a new access would increase traffic this would exacerbate the problems. He reiterated the concerns expressed by Mr Wilson regarding drainage issues adding that surface water currently flowed onto the Millennium Green.

Jackie Stanton showed Members a photograph of the village and explained the problems residents were experiencing with flooding and drainage. The photograph identified areas of the village that had been flooded and the location of the blocked drains.

Jo Robison, the applicant's agent assured residents that there were no plans for further development in the area. They had worked closely with Planning Officers to produce the scheme before Members, taking into account the proximity of neighbouring properties. At 37m the separation distance exceeded the 21m advised as a guide in Local Plan Policy H24.

The scheme was sympathetic to the street scene and fully addressed highway safety issues and parking provision was deemed to be acceptable. The concerns expressed by residents about the risk of flooding would be controlled by a condition requiring a scheme for foul and surface water drainage to be submitted and approved in writing by the Local Planning Authority before the development commenced.

D Stewart, Highways Officer stated that traffic flows in the village were modest and would remain so with a development of this size. The number of dwellings proposed would not generate the need for a Transport Statement. He acknowledged the comment that Primrose Hill was not on a gritting route, although added that it was not unusual for villages across the County to fall outside winter salting routes.

In considering the application the Committee discussed the drainage problems referred to. It was suggested that condition 9 be amended to require the developer to submit a scheme for foul and surface water drainage for the whole village but

Members were advised that this would not be reasonable. Some Members felt that in view of the serious concerns of the residents the application should be deferred until the drainage issues were resolved. A motion was proposed and seconded to this effect but was unsuccessful.

Discussion continued and whilst Members sympathised with residents they acknowledged that as no objections had been offered by either the Environment Agency or Northumbrian Water, and that the provision of adequate drainage on site could be dealt with by condition, the application should be approved.

However in approving the application Members felt that the drainage issues in the village referred to by residents should be explored outside the planning application process. It was therefore suggested that the Chair and Vice-Chair investigate the current position with Officers, and report back to the Committee.

Councillor Williams asked that it be recorded that he had voted against the application.

Resolved:

That

- (i) the application be approved subject to the conditions outlined in the report;
- (ii) the Chair and Vice-Chair of the Committee investigate the current position with regard to drainage issues in Newfield and report back to the Committee.

4 Appeal Update

Appeal Ref: APP/X1355/A/12/2172487

Appeal Against the Refusal of Planning Permission for the Erection of 1 No. 2 Storey Dwellinghouse on Land at Merrington Lane Stables, Vyners Close, Spennymoor

Consideration was given to the report of the Principal Planning Officer regarding the outcome of the abovementioned appeal against the refusal of planning permission (for copy see file of Minutes).

The Inspector had dismissed the appeal for the reasons outlined in the report.

Resolved:

That the information given be noted.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2012/0346/DM

FULL APPLICATION DESCRIPTION: Stables/storage building with hardstanding and retention of access

NAME OF APPLICANT: Mr David Scattergood

ADDRESS: Land at Kelloe Bank, Trimdon Grange, Co Durham, TS29 6NP

ELECTORAL DIVISION: Trimdon

CASE OFFICER: Mark O'Sullivan, Planning Officer
03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a rectangular plot of undeveloped agricultural land of some 1.2 acres (0.5 hectares), measuring approximately 40m in width x 130m in length. It is located to the west of an unclassified road which runs between Trimdon Village to the south and Kelloe to the north, approximately 100 metres to the north of the River Skerne. The site is well screened by an established, mature hedgerow which forms a boundary from the adjacent unclassified carriageway to the east.
2. The land to which this application relates forms part of a larger area of land which has historically been subdivided into separate areas. To the north of the site is a rectangular plot which was recently granted planning permission for the erection of stables/storage building. To the south are more storage buildings.

The Proposals

3. Planning permission is sought for the erection of a stables/storage building on this subdivided plot. This is a resubmitted application following the recent refusal of an earlier application for a larger stables/storage building on the site in May 2012. The proposed building would comprise two stables, a storage/tack room for hay and horse related equipment, and an agricultural area and would extend to 61m² measured externally. It would measure 14.3m in length x 4.3m in depth, and 3.9m in height (2.8m, to eaves level).
4. The building would be erected alongside the boundary hedgerow to the east of the site, in line with stable/storage development to the north, whilst facing west into the main field. The building would be constructed of blockwork with a brown or dark green render finish, with dark grey concrete roof tiles. Stained timber doors and a brown roller shutter door serving the tack room/storage area would provide security.
5. Permission is also sought for the retention of the existing site access and the creation of a hardstand area adjacent to the proposed building. Access has been created onto the aforementioned unclassified highway via a narrow opening in the adjacent hedgerow.
6. The application has been referred to committee at the request of Councillor Brookes, Elected Division Member, who has raised concerns over the need for further stable development in this location, the keeping of animals on a parcel of land of this scale and the removal of hedgerow to create the site access.

PLANNING HISTORY

7. As explained above, planning permission (2012/0118) was refused in May 2012 for the erection of a stables/storage building on the basis that the proposed building and means of would have an unacceptable impact on the character of the landscape.
8. There exists no other planning history relating to this particular site, although it did previously form part of a larger holding which has been subdivided. Land to the immediate north of the current application site was previously granted planning permission in for the erection of a stables/storage building in September 2011 (7/2011/0260/DM).

PLANNING POLICY

NATIONAL POLICY

9. 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 overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development via three topic headings – economic, social and environmental, each mutually dependant.

10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.

11. The following elements are considered relevant to this proposal;

- An economic role seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and
- A social role seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with its accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

12. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

13. *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.
14. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the forthcoming Local Government Bill becomes law, and weight can now be attached to this intention. The following policies are considered relevant;
15. *Policy 2 (Sustainable development)* sets out a number of objectives for sustainable development including environmental objectives, and in particular, to protect and enhance the quality and diversity of the Region's rural and urban landscapes.
16. *Policy 8 (Protecting and enhancing the environment)* requires new development to maintain local distinctiveness and be sympathetic to its surroundings.
17. *Policy 31 (Landscape character)* proposals should have regard to landscape character assessments and local landscape designations in targeting landscape restoration and environmental improvement schemes.

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

LOCAL PLAN POLICY

18. *Policy E1 (Maintenance of landscape character)* sets out key criteria against which new development should be judged in terms of the maintenance of distinctive landscape areas.
19. *Policy E15 (Safeguarding of woodlands, trees and hedgerows)* sets out the importance of protecting area of high landscape value through retaining areas of woodland, important groups of trees, copses and hedgerow.
20. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
21. *Policy D3 (Design for access)* seeks to ensure that new developments provide satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, seeking to minimise potential conflict between different road users.

The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at <http://www2.sedgefield.gov.uk/planning/SBCindex.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Trimdon Parish Council* objects to this proposal stating a lack of policy guidance on this type of development.
23. *The Highway Authority* raises no objections to this proposal subject to the applicant carrying out improvement works to the existing vehicular access.

INTERNAL CONSULTEE RESPONSES:

24. *The Landscape Section* raises concerns with regard to the impact of the proposed development on the character of the countryside in this location. Sensitively designed new development could be acceptable with doubts raised over the acceptability of the submitted scheme. The landscape section consider that a number of issues should be clarified relating to the approval of landscaping details, hard standing material, confirmation of site levels, details of enclosure, landscaping implementation and the restriction of outdoor storage.
25. *The Ecology Section* raises no objections subject to the imposition of a condition regarding the timing of any site clearance works if permission is granted.

PUBLIC RESPONSES:

26. Two letters of objection have been received. One letter specifically refers to objections raised as part of the recent refusal of permission, with it requested that those objections are again noted in the context of this current application.
27. The key areas of concern relate to the need for more stables in this location and the intensification of stabling in the surrounding area resulting from the subdivision/parceling of the land. In addition, concerns have been raised over the erosion of landscape character and impact on the environment, the loss of a section of hedgerow, highway safety, environmental health concerns, ecological impact, visual impact, overdevelopment of the site given the number of animals to be kept here, sustainability and the setting of a precedent for future development in the area.
28. It is also noted that one letter of support has been received from the owner of the land questioning the accuracy and reliability of the objections received. It is argued that previous hedgerow removal is permitted, that nuisance issues are untrue, and that there are not 6no. separate accesses to this land, that there is no degradation of the environment, with replacement planting in fact improving the environment, that the wider site is not changing into an area of small industrial units and that all developments in this area are approved based on relevant planning policy and law.

APPLICANTS STATEMENT:

29. The application site is currently rented from Mr G Thompson (land owner) by Mr C Hedley and Mrs A Hedley (Tenants). The application is made by Mr D Scattergood (stepfather for Mr and Mrs Hedley). The site will soon be purchased from Mr Thompson by Mr and Mrs Hedley.

30. The revised application has been changed significantly from the first application. The applicant has reduced the height and width of the building. Materials amended and landscaping introduced to minimize the impact of the development.
31. The applicant feels strongly about delivering a high finished quality style type development that would prove to be sustainable within the countryside.
32. The applicant feels the revised plans are working with local residents and planning officers and their concerns of further development and the impact the development may cause.
33. Mr and Mrs Hedley rent a 5 acre paddock and a 1 acre paddock within the Trimdon area to allow movement of animals to enable land and grass recovery, giving approx 7 acres of grazing land in total.
34. Mr and Mrs Hedley would use the stables for their own horses. Horses would not always be at the site as they are also grazed nearby, but the permanent stable block would allow them to be housed when necessary.
35. Stables have been designed to the recommendations of the British Horse Society.
36. The 'agricultural area' would be kept free for farm animals such as sheep, to be kept clean and separate from equine use. Mainly to be used during the lambing season in the case of an emergency or to protect lambs.
37. The storage area would be used for the storage of feeds, tools and small farm machinery. The store would provide a secure tack and hay storage area. The proposed roller shutter entrance to this store would allow for the easier movement of hay. The block and render finish would be painted in a colour to be agreed with the Local Planning Authority (dark green or brown).
38. Views of the site are limited in all directions, located in a fairly remote location and sited away from nearby sensitive uses, behind an established hedgerow. More prominent stables to the north occupy the foreground on the adjacent site.
39. The hedgerow to the left and right sides of the entrance would not be affected in the future. It would only be trimmed back to allow visibility splays once a year. The applicant has already planted 8no. trees to the rear of the application site and is keen to enhance the landscape further.
40. The proposed development would not cause an increase in traffic any more than the existing site use (one car twice a day).
41. Muck heaps would be positioned away from the building within the field area, in a prepared area, where it would be taken away from the site on a regular basis by the local farmer.
42. There would be no fires at the proposed development site.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

43. 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 key issues are the principle of the development, the impacts on visual and residential amenity, and highway safety.

The principle of the development

44. Previous planning permissions have seen the erection of a number of stables/storage buildings positioned adjacent to Kelloe Bank and adjacent the substantial roadside hedgerow and rising from the incremental subdivision of the land. The application subject of this report seeks to create a further stables/storage building serving a relatively small site of some 0.5 hectares.
45. Previously, no justification was provided for the erection of a further stables/storage building at the site, however, in making a revised application, the applicant has submitted a statement confirming their intentions for the site and the proposed development, which would include the keeping of horses for personal use within the proposed building. The applicants also keep a small number of sheep and chickens which form the agricultural element of the proposal. As such, the principle of a mixed use equestrian/agricultural building on land used for that purpose would be acceptable in principle in a countryside location, subject to an assessment of the impacts on the character of the area, surrounding residents and highway safety considerations.

Visual amenity

46. The NPPF sets out the Government's planning policies and how these are expected to be applied whilst highlighting the priority of achieving sustainable development. It states the importance of achieving good design standards in new developments, and explains how the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. At a regional level, RSS Policies 2 and 8 seek to achieve sustainable patterns of development which have regard to local distinctiveness in protecting and enhancing the quality and diversity of rural landscapes. Policy 31 also requires that regard is had to local landscape character assessments in assessing proposals. At a local level, Sedgefield Borough Local Plan Policies E1 and D1 seek to control new developments by resisting proposals which would damage the character or appearance of landscape areas whilst again promoting good design standards.
47. The application site is located behind an established boundary hedgerow which effectively screens this site when viewed from the main carriageway to the east. Furthermore, this site is viewed in the context of similar, sporadic stables/storage development of similar size to the north and south.
48. Paragraph 24 sets out the concerns of the Landscape Section. It is noted that many of the issues raised are sufficiently covered in this report, with it also noted that many of the requested details have already been submitted by the applicant within the submitted application and accompanying statements such as details of

enclosure and hard standing materials. Where it is considered that further control is necessary, it is deemed reasonable to impose conditions. In particular this relates to the agreement of an amended landscaping scheme as agreed by the Landscape section, confirmation of site levels so as to ensure the proposed development does not form an overbearing structure in this rural landscape and the restriction of outdoor storage.

49. As explained, previous permissions have seen the erection of a number of structures across this landscape including those for stables/storage use resulting directly from the incremental subdivision of land. This latest application seeks to create another stables/storage building serving only a relatively small site of some 0.5 hectares. Previously it was considered that the continued incremental encroachment of sporadic stables developments with associated subdivision of land, into this landscape was becoming an issue in terms of the resulting visual impact on this designated 'restore or enhance' area. However, since this previous refusal, the applicant has worked with the Local Planning Authority in delivering a far more acceptable scheme which would have much less of an adverse impact upon the immediate and wider rural landscape.
50. The earlier refusal of planning permission took into careful consideration the scale and purpose of the proposed building, and its resulting impact upon its rural setting. At that time it was identified that a building of considerable scale was required to safely accommodate forklift trucks for which there was little justification given bearing in mind the remainder of the stables was for the keeping of horses.
51. The revised scheme differs from that previously refused, in terms of having a ridgeline some 0.6m lower, whilst measuring 3m less in length from that originally refused permission. Overall, this revised proposal is notably reduced in scale than that previously sought with an internal floor area of only 52sq metres as opposed to 75sq m.
52. It is considered that the new lower ridgeline, combined with the existing hedgerow immediately adjacent to the site would assist in screening the building when viewed from the adjacent carriageway to the east. Furthermore, proposed native hedgerow planting around the site boundaries is considered to compensate to some extent for that which was removed as permitted work to create the site access (section 6 of the Hedgerow Regulations 1997), whilst also softening the development when viewed from further afield. It is considered that such extensive planting around this site would also help soften the wider cumulative effects of other developments in this rural landscape, enhancing this rural setting.
53. As such, it is considered that the proposed building would remain sympathetic to the rural setting of the site, being of a scale commensurate with agricultural style buildings found within the area without appearing incongruous or overbearing in its rural setting.
54. In design terms, consideration has also been given to improving the external appearance of the structure, making it more visually sympathetic to its rural setting, with the applicant willing to provide a dark coloured render finish to the planning department's satisfaction. This differs from the previously sought proposal which detailed a red brick finish. In this regard it is considered that the proposals would not conflict with Local Plan Policies E1 and D1.

Impact on neighbouring amenity

61. The application site is fairly remote in nature and sited approximately 250m from the nearest residential property to the east. The proposed development would be viewed in the context of existing stables development to the north and set in rural surroundings. Owing to the nature of the use proposed and the significant existing and proposed site screening around the site, it is considered that the proposals would not have significant adverse impacts upon the amenity of neighbouring residents in terms of noise and odour, and would therefore accord with Local Plan Policy D1.

Highway safety

62. Local Plan Policy D3 seeks to ensure that new developments provide for satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, seeking to minimise potential conflict between different road users.

63. Submitted plans show the application site to be served by an existing access opening which was recently created in the hedgerow to the eastern boundary of the site. In its present unsurfaced condition, the access is considered unacceptable by the Highway Authority; however, the access would be acceptable subject to a tarmac finish being applied along with kerbing at either side. The Highway Authority are satisfied that this matter can be adequately controlled by way of imposing a planning condition. Plans submitted by the applicant confirm that such works would be carried out.

64. With regard to the suitability of the existing access in safety terms, the Highway Authority notes the width of the access to be relatively narrow at only 2.7m wide, but nonetheless acceptable given the 6m junction radii achieved. Submitted plans show this access to link with a proposed hardstand area immediately adjacent to the proposed building. The hardstand would be surfaced with black shale and would provide a porous surface to ensure no increased surface-water run-off from the site.

65. No objections are therefore raised over the retention of the existing site access together with the proposed hardstand area, subject to the aforementioned junction improvements. Furthermore, it is noted that there would, as a result, be no pressure to further widen this access in the future, as only annual trimming of the adjacent hedgerow required in order to maintain acceptable junction visibility splays.

Loss of hedgerow

66. Local Plan Policy E15 seeks to protect areas of woodland, important groups of trees, copses and hedgerows wherever possible. It is noted that the applicant has previously removed a small section of hedgerow as permitted work as set out in section 6 of the Hedgerow Regulations 1997. The creation of the vehicular access however, does require planning permission, and this application seeks to regularise matters. No objections can therefore be raised over the removal of the section of the hedgerow, as its removal was beyond the control of the Local Planning Authority. The applicant has confirmed that no further removal of the hedgerow is required to widen the access, for example.

CONCLUSION

67. It is considered that the revised proposals represent a significant improvement from the previous scheme which was originally deemed unacceptable for this rural location. The applicant has worked with the Local Planning Authority in arriving at a smaller and more sympathetic development scheme which would be sympathetic to its rural setting and well screened by existing and proposed hedgerow planting around all boundaries of the site. The applicant has confirmed his intentions for the site and sought to authorise any previously unauthorised works such as the creation of a site access.
68. In determining this current application, it is important to note that the removal of a small section of hedgerow to the east of the site was permitted under the hedgerow regulations with the applicant having sought to compensate any loss of hedgerow through further planting elsewhere around the site.
69. The resulting impact of this sympathetic development on the rural landscape is therefore considered minimal and difficult to oppose given adjacent developments which are far more harmful in scale and appearance. The overall benefits of this scheme, brought about by improved site screening far outweigh any negative impacts of this development.
70. This application is considered to satisfy the provisions of parts 7 and 12 of the NPPF, Policies 2, 8 and 31 of the RSS, and Policies E1, E15, D1 and D3 of the Local Plan and accordingly, the proposals are recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1208/300 (Proposed site plan), received 25 October 2012
 - 1208/PL 103B, rev B (Proposed plan and elevations), received 03 October 2012Reason: For the avoidance of doubt and in the interests of proper planning.
3. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of vegetation during the bird breeding season. Reason: In the interests of nature conservation and in accordance with Part 12 of the NPPF.
4. The development hereby approved shall not be used for commercial or business purposes. Reason: In order to safeguard the rural amenity of the site in accordance with the NPPF.

5. No development shall commence until a detailed landscaping scheme shall be submitted to and approved in writing by the Local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
7. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission. Reason: In the interests of the amenity of the area in accordance with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.
8. There shall be no outside storage of goods, materials, machinery, equipment, or waste. Reason: In the interests of the visual amenity of the area and to comply with policy E1 (Maintenance of landscape character) of the Sedgefield Borough Local Plan.

REASONS FOR THE RECOMMENDATION

1. In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of its scale and design, impact upon the landscape character of the area, impact on neighbouring amenity, and highway safety.
2. The decision to grant planning permission has been taken having regard to the National Planning Policy Framework parts 7 and 12, policies 2, 8 and 31 of the RSS for the North East, and Policies E1, E15, D1 and D3 of the Sedgefield Borough Local Plan, and to all relevant material considerations.
3. In arriving at this recommendation, the public consultation responses received have been considered, however on balance, the issues raised are not considered sufficient to warrant refusal of the application and can, where appropriate, be mitigated through inclusion of planning conditions.

BACKGROUND PAPERS

Submitted Application Forms and Plans and supporting documents

National Planning Policy Framework (NPPF)

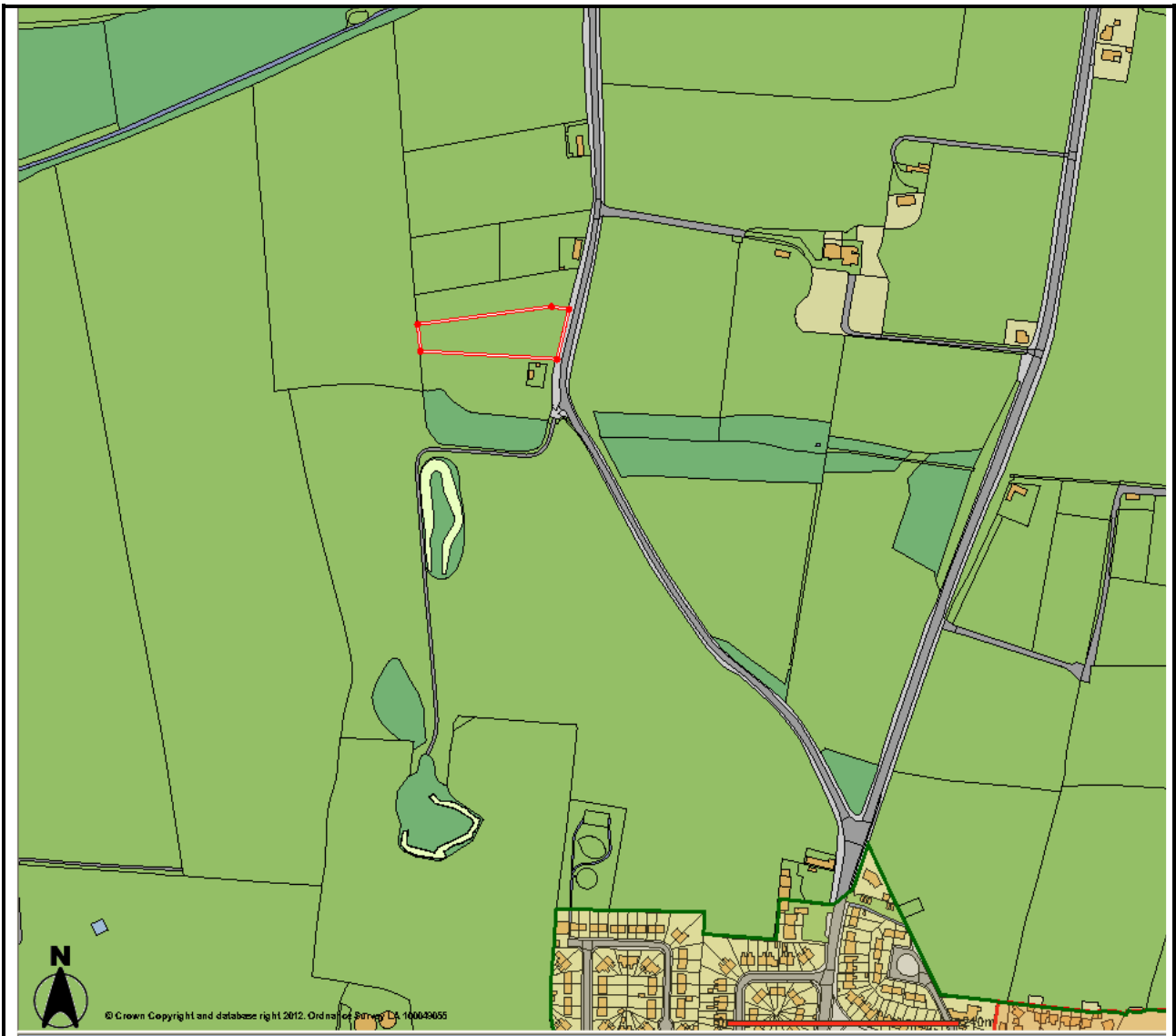
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Sedgefield Borough Local Plan 1996

Response from the Highway Authority

Internal responses from the Landscape and Ecology

Public responses



Planning Services

Erection of stables/storage building with hardstand and retention of access on Land at Kelloe Bank, Trimdon, Co Durham

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Comments	
Date 22 November 2012	

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 7/2012/0348

FULL APPLICATION DESCRIPTION: Erection of temporary marquee to rear of main stand during November and December 2012

NAME OF APPLICANT: Sedgefield Racecourse

ADDRESS: Sedgefield Racecourse, Racecourse Road, Sedgefield, TS21 2HW

ELECTORAL DIVISION: Sedgefield

CASE OFFICER: Paul Hopper, Planning Officer
03000 263946, paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to Sedgefield racecourse which is located to the south of Sedgefield. The site covers an overall area of approximately 7.3 hectares and includes the race track itself, associated car parks and several buildings including stables, offices and grandstand. The site occupies a semi rural location and it is bordered immediately to the north by the A689 and to the east by Racecourse Road. Several isolated residential properties are located at various distances from the site and these include Home Farm and Sands Hall to the north, Sands Farm to the west and Mordon Moor to the south.
2. Access to the site is gained via Racecourse Road which is served directly by the A689 to the north.

The Proposal

3. Planning permission is sought on a temporary basis for the provision of a marquee to the rear of the existing grandstand for a 2 month period from November to the end of December 2012 after which time it would be removed from the site. The marquee was erected at the end of October and is approximately 34 metres long by 22 metres wide and has an aluminium frame with white PVC sheeting. It has a dual pitched roof with a height to the eaves of 2.4 metres, (4.8 to the ridgeline). The application is retrospective insofar as the marquee has been erected since the submission was made.

4. Access to the building is gained directly from the existing grandstand via a link corridor and also from the existing concourse. Existing site access arrangements will be maintained while the marquee is on site and the use of car parks 1 and 2 will remain unchanged.
5. The marquee is to be used for several events commencing on 10 November to 26 December 2012. The applicant has confirmed that an event scheduled for the 16 December has been rescheduled and would now be held on 14 December 2012. At the time of writing one of the daytime events has already been held (10th November 2012). This was a fund raiser for the ABF Soldiers Charity and involved a craft fair and performances by a choir and brass band. The remaining day events would use the marquee as an overflow bar on days of equine racing. There would be 3 evening events in total and these would include Christmas party occasions and another fund raiser for the ABF. The marquee would be removed from the site during the first week in January 2013 and the land reinstated to its original condition. The applicant has confirmed that the marquee would not be used after 23:00 hours for evening events.
6. The application is being reported to the South West Area Planning Committee at the request of Councillor Brown in order that the committee can properly assess the potential impact of noise on surrounding residents. This request has been formally supported by Councillor Robinson.

PLANNING HISTORY

7. Racing at the site originally began in the mid to late 1800's and the current racecourse company was founded in 1927. Since this time the site has been subject to an ongoing programme of modernisation and extension. In this respect planning permissions were granted for the Sedgefield Pavillion in 1991, Theakston Suite in 1995 and the weighing room in 1998. The site also hosts a regular car boot sale on 2 days of the week.

PLANNING POLICY

NATIONAL POLICY

8. 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 overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development via three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
 - An economic role seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and

- Page 24
- A social role seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and

future generations; and by creating a high quality built environment, with its accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- An environmental role seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

12. Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

13. 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.

14. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.

15. *Policy 8 (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

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

LOCAL PLAN POLICY:

16. The following policies of the Sedgefield Borough Local Plan as amended by Saved and Expired Policies September 2007 are relevant in the determination of this application:
17. *Policy E1 (Maintenance of landscape character)* sets out key criteria against which new development should be judged in terms of the maintenance of distinctive landscape areas.
18. *Policy L19 (Sedgefield Racecourse)*: Policy L19 states that the council will normally grant planning permission for the proposals that improve facilities at Sedgefield Racecourse. Planning permission will not normally be granted for the change of use or redevelopment of land or buildings associated with the racecourse to non-recreational uses.
19. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
20. *Policy D2 (Design for People)* states that requirements of users of a development should be taken into account in its layout and design with particular attention given to personal safety, access needs of people with disabilities, elderly and those with children and the provision of toilets, baby changing facilities and public seating where appropriate.
21. *Policy D3 (Design for Access)* states that developments should normally make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.

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

STATUTORY RESPONSES:

22. *The Highway Authority* has no objections to the proposal.

INTERNAL CONSULTEE RESPONSES:

23. *The Public Protection Officer* notes that outdoor events are subject to the requirements of an existing premises licence and that similar, isolated events have been held at the site in the past and that a suitable noise procedure has been established. He does not consider that there are grounds on which to object to the application as it has been demonstrated that it is possible to hold events, in a similar marquee without causing a statutory nuisance to neighbouring residents. No objection is therefore offered subject to the inclusion of appropriate planning conditions restricting the use of the marquee beyond 23:00 in accordance with the requirements of the existing premises licence.

PUBLIC RESPONSES:

24. The application has been advertised on site and neighbour notification letters sent to surrounding properties.
25. A 17 signature petition has been received objecting to the proposal on the grounds of visual impact, light pollution, noise, and lack of transparency in relation to the number of events.
26. 10 letters/emails of objection have also been received from 9 households and the reasons for objection are summarised below;
- The noise generated from the proposed marquee would have an unacceptable impact upon the residential amenity of surrounding residential properties and those at the southernmost part of Sedgefield. In the past when events have been held noise nuisance has been experienced by surrounding residents. In this regard the Racecourse management cannot be trusted to ensure that noise levels are kept to an appropriate level as demonstrated by the fact that the Council served a Noise Abatement Notice during the last outdoor event.
 - It is unlikely that the event will be moved into existing buildings at 11pm.
 - The wording of the design and access statement is open ended and seems to allow for additional events to be added at a later date.
 - The site is diversifying from racecourse to events centre which is not a suitable use for what is a countryside location.
 - The marquee itself is of a size and design that is not suitable for a rural location and would have an adverse impact upon visual impact.
 - To grant permission would set a precedent in the long term for outdoor events to take place at the site and bring with it associated issues of drunkenness, crime and antisocial behaviour.
27. Sedgefield Village Residents Forum object to the proposal and considers that the potential for disturbance to local residents is great.

APPLICANTS STATEMENT:

28. One of the main benefits surrounding the use of the marquee will be higher employment for local people within the area. This will create disposable income and allow further amenities within the local proximity to also benefit. In this current climate to be able to offer employment is paramount to this area. The local village also benefits from these events, visitors to such events generally visit the village generating income for most of the smaller businesses including the cafes.
29. The main event taking place in the marquee is in aid of The ABF Soldiers Charity which will raise much needed funds for injured Soldiers and their families within our region. This chosen charity benefits from several planned events on an annual basis and events such as this one will take the fund raising figure to over £30,000 in the last two years.
30. The structured marquee has deliberately been located in between the main buildings and the racecourse office to shield and protect neighbours living half a mile and further away from the noise, as suggested by neighbours previously. There is a dual carriageway running between housing and the racecourse which will also act as a barrier for noise protection. The marquee will be used in conjunction with the premise licence conditions and as such music will cease at 11pm.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received, it is considered that the main planning issues in this case relate to the principle of development, residential amenity, visual impact and highway safety.

Principle of development

32. The site covers an extensive footprint and includes the racetrack, several buildings and an area of associated car parking. Its use for horse racing is well established and the facility has been subject to a significant programme of investment to improve the quality and range of facilities available at the site. The applicant has advised that in view of the challenging economic climate, smaller racing venues across the country are looking to broaden the range of leisure and recreational services they offer to ensure their financial viability in the longer term. Policy L19 of the Sedgefield Borough Local Plan states that planning permission will normally be granted for proposals that improve the facilities at Sedgefield Racecourse. While the marquee would be a temporary feature it would be used in association with race day events and other ancillary entertainment and hospitality events during the Christmas period. As such it is considered it would be acceptable in principle subject to compliance with relevant Local Plan policies relating to residential amenity, visual impact and highway safety.

Impact upon residential amenity

33. The site is located within a semi rural location and there are 4 residential properties nearby that are located between 400 – 700 metres from the position of the proposed marquee. These include Sands Hall to the north, Sands Farm to the west and Mordon Moor and Mordon Moor Cottage to the south. The nearest residential properties in Sedgefield Village are located approximately 570 metres to the north of the site.

34. Several residents have raised objection to the scheme in relation to noise nuisance and have questioned the ability and willingness of the applicant to adequately control noise generated by the proposal.

35. 7 events in total would take place during the two month period the marquee would be in situ and these would occur both during the day and on an evening. At the time of writing one of these events has already been held. Remaining daytime events would involve using the marquee as an overflow bar on days of equine racing. There would be 3 evening events in total which would take place on 17th November and the 7th and 14th of December 2012 and these would include Christmas party occasions along with a further fund raiser for the ABF. The applicant has confirmed that evening entertainment would include live music and a disco.

36. Outdoor events at the site are subject to the requirements of the premises licence issued under the provision of the Licensing Act 2003 and this requires that all outside entertainment conclude at 23:00 hours. In addition it also includes a requirement that information be provided to the licensing authority detailing how noise levels from the events will be adequately controlled.

37. The Pollution Control Section notes that a suitable noise procedure has been established at the site and does not consider that there are grounds on which to object to the application, as it has previously been demonstrated that it is possible to hold events without causing a statutory nuisance to surrounding residents.

38. Although the proposal is unlikely to cause statutory nuisance it does not automatically follow that it is acceptable in terms of its impact upon residential amenity under the requirements of Local Plan Policy D1.
39. In this regard the marquee is located within a partially enclosed area within the main racecourse complex and between 400 – 700 metres from the nearest residential properties to the north, south and west. Whilst the events may be audible at times and result in some disturbance it is considered that the separation distance between neighbouring properties and the presence of intervening structures would help to moderate any impacts over the period that the marquee would be used. The site is regularly used for large gatherings in association with racecourse activities and it is not considered that the additional number and timing of functions linked to the marquee in the run up to Christmas would unacceptably impact upon the residential amenity of surrounding properties.
40. The existing premises licence exerts control over noise generation associated with outdoor entertainment activities. Given the guidance contained within Planning Circular 11/95, which states that planning conditions which duplicate the effect of other legislative controls will be considered unreasonable, it is not considered appropriate in this instance to include a condition relating to specific noise mitigation measures. Nevertheless the inclusion of planning conditions to restrict the dates and times of the temporary marquee use to what is intended would be appropriate in residential amenity terms. As such it is considered that the proposal accords with the requirements of Local Plan Policy D1 in terms of its impact upon residential amenity.

Impact upon visual amenity

41. Several residents have raised concerns over the adverse impact of the marquee upon visual amenity and the rural character of the surrounding area. In particular concerns centre upon the overall height of the marquee and the use of white PVC for external materials.
42. The racecourse occupies a fairly prominent position immediately adjacent to the A689 and is particularly visible when viewed from the north, south and east. The proposed marquee is positioned on an existing hardstanding area to the rear of existing buildings and would be present on site for a limited period of two months. While the use of white PVC is not ideal the marquee would not be visible from the north and would be well screened by existing buildings. Views from the south would again be limited to the peak of the marquee and the rest of the structure would be well screened by existing turnstiles and a belt of mature trees. It is therefore considered that given the limited duration that the marquee would be on site, and the screening provided it would not have any adverse impact upon the character or appearance of the surrounding area in accordance with Local Plan Policies E1 and D1.

Highway Safety

43. The site is currently accessed via Racecourse Road and is served by an area of existing car parking located to the south of the marquee. This existing arrangement would be maintained when the marquee is in use and retained post development. Residents have raised concerns that the proposal would result in an unacceptable increase in the volume of traffic in an around Sedgefield while the marquee is on site. Local Plan Policy D3 requires that all development should normally make satisfactory and safe provision for all road users and adequate provision of car parking. As access to the site would remain unchanged, the Highway Authority offers no objections, and as such the proposal accords with Local Plan Policy D3 and would not have any adverse impact upon highway safety.

Other matters

44. Many of the issues raised by residents are addressed elsewhere in this report, however, concerns have also been raised that it is unlikely that entertainment activities would cease and move into the existing building at 11 pm. An appropriate planning condition could be included to restrict the hours of use in this respect and it is noted that the premises licence requires all outside entertainment to cease at 11 pm. Failure to comply may result in the licence being revoked and in this regard the applicant is reminded of these requirements.
45. One resident notes that in February 2012 (during the annual Hunt Ball held at the site), the Council's Public Protection Section issued the racecourse with a noise abatement notice. The Pollution Control Officer has confirmed that the requirements of this noise abatement notice have been met.
46. Some residents have raised objection to the retrospective nature of the scheme. While it is disappointing that the marquee was installed without the benefit of planning permission, the retrospective nature of the application is not part of the planning consideration.
47. Concern has been raised that the wording of the application is such that additional events would be added to those dates already confirmed and that the site is diversifying away from equine race course to an events centre which is not a use suitable to a countryside location. This application relates solely to the temporary use of a marquee for 7 days over a 2 month period. It is not considered that this constitutes a material change of use requiring planning permission. The duration of use and the day on which the marquee is to be used could be restricted through the inclusion of an appropriate planning condition. Similar events involving the erection of a marquee on the existing car park have may have benefitted from deemed consent as temporary buildings and uses through The Town and Country Planning (General Permitted Development) Order 1995 and did not require planning permission.

CONCLUSION

48. The temporary marquee would be used in association with and ancillary to, an existing use at the site and would contribute to the ongoing viability of an established leisure attraction within the south Durham area.
49. Appropriate mitigation measures would be in place through the requirements of the existing premises licence relating to noise generation and control and the location and use of the marquee is such that there would be no unacceptable impact for residential amenity over the specified period which can be restricted through appropriate planning conditions.
50. The marquee would be partially screened in the wider locality and this, along with the temporary nature of the structure, would not have any adverse impact upon visual amenity.
51. Concerns raised by local residents in terms of residential amenity, visual impact and highway safety are not considered sufficient reasons to refuse the application. Accordingly, the proposals are therefore in compliance with Local Plan Policies D1 and E1 and are considered acceptable.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

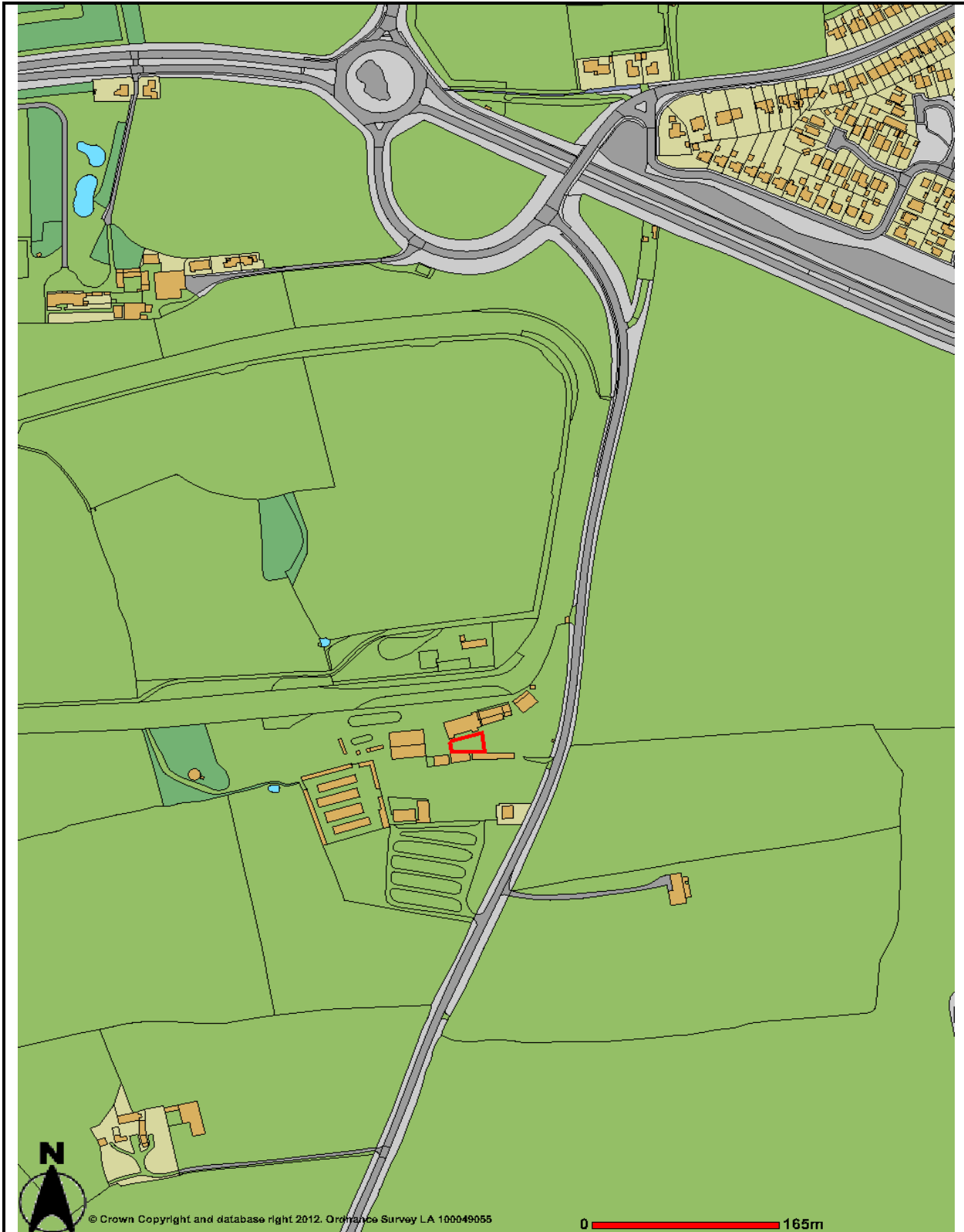
1. The marquee hereby approved shall only be used for entertainment events for a period not exceeding 7 days, ceasing on 26 December 2012 and thereafter the marquee shall be removed from the site no later than 7 January 2013 and the land restored to its pre-existing condition. Reason: The marquee is not considered suitable for permanent retention in accordance with the requirements of Policy D1 of the Sedgefield Borough Local Plan as amended by Saved and Expired Policies September 2007.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Location Plan received 05/10/2012 and Proposed Block Plan received 10/09/2012. Reason: To define the consent and ensure that a satisfactory form of development is obtained.
3. All entertainment activities held in the marquee (including playing of music) shall cease no later than 23:00 on the days when the marquee is in use. Reason: In the interests of residential amenity in accordance with the requirements of Policy D1 of the Sedgefield Borough Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered acceptable having regard to the provisions of the NPPF, RSS and Policies D1 and E1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. More specifically, the marquee would be used in association with, and ancillary to, the existing use of the site and, given the temporary nature of the proposal, would not have an unacceptable impact on residential amenity or the character and appearance of the surrounding area, nor would it have any adverse impact in terms of highway safety.
3. In arriving at this recommendation, the public consultation response received have been considered, however on balance, the issues raised are not considered sufficient to warrant refusal of the application and can, where appropriate be mitigated through inclusion of planning conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- National Planning Policy Framework
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Sedgefield Borough Local Plan
- Circular 11/95: Use of conditions in planning permission
- Response from Highway Authority
- Internal Response from Pollution Control
- Public Consultation Responses including petition



Planning Services

Erection of temporary marquee to rear of main stand during November and December 2012 at Sedgefield Racecourse, Racecourse Road, Sedgefield, TS21 2HW

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Comments

Date 22 November 2012

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2012/0240/DM
FULL APPLICATION DESCRIPTION:	Erection of dormer bungalow and alterations to existing frontage area to improve turning space for vehicles.
NAME OF APPLICANT:	Mr Steve Schroeter
SITE ADDRESS:	Land at 2 Bankwell, Low Etherley, Bishop Auckland, County Durham, DL14 0HE
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Steve Teasdale 03000 260834/ 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site comprises garden land to the east of 2 Bankwell, Low Etherley, Bishop Auckland. The application site extends to 0.05Ha, within a larger parcel of land of approximately 2.2Ha used as garden area to 2 Bankwell. The part of the application site on which the proposed dwelling would be built lies beyond the defined development limits of Etherley and Toft Hill, the boundary of which coincides with the eastern gable wall of 2 Bankwell.

The proposals:

2. The proposal is for the erection of a single dormer bungalow adjacent to 2 Bankwell, including changes to the existing site layout to the front of 1 & 2 Bankwell to formalise a turning area for vehicles. The proposed bungalow would have a footprint of approximately 175 square metres, and would provide three bedrooms (one with ensuite facilities at ground floor), kitchen, lounge, utility room, bathrooms and garden room.
3. This application is being reported to Committee at the request of Councillor Hugill because he considers that the personal circumstances of the applicant carry significant weight in the consideration of the proposal.

PLANNING HISTORY

4. Earlier this year, planning application 6/2012/0052/DM describing a similar proposal was withdrawn prior to determination under delegated powers. The

proposal was considered unacceptable for similar reasons to those set out in the planning considerations below.

PLANNING POLICY

NATIONAL POLICY

5. The Government has now published its *National Planning Policy Framework (NPPF)*, which replaces almost all *Planning Policy Statements and Guidance notes*. The Framework sets out the Government's planning policies for England and how these are expected to be applied. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In particular it is of note that at paragraph 12, it is highlighted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.
6. Chapter 4 promotes sustainable transport and requires new development to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It also requires that safe and suitable access to the site can be achieved. Chapter 6 encourages the delivery of a wide choice of quality homes and Chapter 7 attaches great weight to the importance of good design.

REGIONAL PLANNING POLICY

7. *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.
8. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention. The following policy is nevertheless considered relevant:
9. *Policy 4 The Sequential Approach to Development* advocates a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimise the development of previously developed land and buildings in sustainable locations.

LOCAL PLAN POLICY: Teesdale District Local Plan 2002 (Saved)

10. *Policy ENV1 (Protection of the Countryside)* is a general policy to limit development in the countryside.

11. *Policy H4 (Infill Development on sites of less than 0.4 Hectare)* presumes in favour of redevelopment of small previously developed sites within the development limits of Teesdale's settlements.
12. *Policy H6 (New Housing in the Open Countryside)* presumes against new housing in the countryside unless there is an essential and justified need.
13. *Policy GD1 (General Development Criteria)* sets out the general design principles for development.

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=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. None

INTERNAL CONSULTEE RESPONSES:

15. *The Planning Policy Section* objects to the proposal on the grounds that it represents unjustified development in the countryside beyond defined settlement boundaries and therefore unnecessarily impacts upon the countryside; and on the grounds that the dwelling would be served by an unsafe vehicular access.
16. *The Highways Section* objects on the grounds of extremely substandard forward visibility in a northerly direction caused by the gable wall of 1 Bankwell being close to the southbound carriageway of the adjacent unclassified road. The proposed rearrangement of the private track to the front of the Bankwell properties, including the formation of a turning area, would not make a material difference to the fundamental visibility issues and highway safety.
17. *The Arboricultural Officer* offers no objections.
18. *The Landscape Section* offers no objections

PUBLIC RESPONSES:

19. One letter of support has been received from a local resident as a result of the consultation and publicity exercise. It is noted however that 11 letters of support were included within the submitted application. These were from local residents, businesses and health professionals.

APPLICANTS STATEMENT:

20. The applicant has provided a statement which has been summarised as follows. A proposal, spot on in line with County and national policy for more specialist housing for the independent living of the ageing or ailing was submitted a few

months ago on brownfield land. Indeed, it was on the site of a quite recently demolished building. Mr Schroeter has advancing Parkinson's Disease.

21. He has lived and been a smallholder at 2 Bankwell, for many years. As his illness progresses, he finds it increasingly difficult- and already dangerous- to manoeuvre around the multi levelled and steeply staired two storey dwelling. No wheelchair could turn in his kitchen. He has had to retire from his special needs teaching job, but with a proper layout can continue his other career as specialist in nuclear medicines. His present office is up two flights of stairs. There is extensive public support for a purpose designed bungalow so he can continue to live independently within the same village as his family and friends. Many moving independent letters of support have been written. It is Durham and NPPF policy both to help people maintain quality of life and reinforce community values.
22. The site is at the edge of the hopelessly inept, and in any case out of date, Teesdale village line despite looking straight at the post office and a few yards from the pub. The line actually follows a wall line only there because Mr Schroeter himself – with consent- incorporated part of an outbuilding. The line bears no relation to the village form and the proposal actually restores the traditional form of “Whitecake Row”. It is a wholly sustainable site.
23. There was a single issue to overcome; highway safety. We could see this was based on a misweighing of facts so we withdrew. There are two vital points of change in the present application. Firstly, new OS plans showing the over 200 metre sightline downhill were bought and the architect paid to redesign. We accept that after being in clear sight for ample time to avoid accidents to forward gear traffic there is a spot where the uphill traffic is briefly masked. Users of Bankwell know this. It is just not factually correct to say there is simply a short sightline and the new plans submitted prove that. Secondly, the new application before you provides an overwhelming improvement to the safety of the residents of the two existing dwellings and the new one. At present residents have to regularly back out of the access. The new proposals will create a turning area to the south of the site, to allow all residents and visitors readily to exit the site forwards. This is the only realistic way the reversing out issue will be overcome. NPPF quite rightly requires that refusals be only issued on highway grounds if the “residual effect” on safety is severe. Here, the overall residual effect is safer. To the extent that anyone, highway officer or not, says the sightline is imperfect and an issue then a refusal which continues many movements coming out backwards must be a far greater danger.

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://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=21656>

PLANNING CONSIDERATIONS AND ASSESSMENT

24. 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 issues in this instance relate to the principle of the development and highway safety. Other

issues including design and layout, and the personal circumstances of the applicant are also commented on below.

Principle of the development

25. The core principles set out in the NPPF include a requirement for the planning system to be 'genuinely plan-led', and it does not change the statutory status of the development plan as the starting point for decision making. The Teesdale District Local Plan, together with its inset maps and associated prescribed development limits was adopted in 2002 and saved. In addition, although there is an intention to abolish the RSS, this has yet to happen and so the policies of the RSS remain relevant, although it is accepted that the RSS carries less weight because of the intention to abolish. Until the County Durham Plan is finally adopted, the saved policies of the local plan therefore remain as the most relevant development plan and the policies relevant to this proposal are considered sufficiently robust and in conformity with the aims of the NPPF. Therefore, despite the applicant's views on the relevance of the policies and development limits within the Teesdale Local Plan, it remains the fundamental basis upon which the application must be determined.
26. The development limits of Low Etherley are defined in the inset maps appended to the adopted Teesdale District Local Plan 2002. This designation is drawn tightly around a housing estate (Bankwell Drive to the west), and along the unclassified road which runs north from Low Etherley to Phoenix Row. The boundary however crosses the road to include 1 & 2 Bankwell, but it excludes the majority of the application site, in particular the portion that would contain the proposed dwelling. Historic maps suggest that the buildings that previously existed to the east of Bankwell disappeared in the 1950's, over 40 years before the development limits were being drawn up. It could not reasonably be expected therefore that the development limits established in 2002 should take account of those buildings. It cannot be disputed that the application site lies outside the identified limits to development and to all intents and purposes, the proposed dwelling would therefore be located in the countryside.
27. Policy ENV1 has a fundamental aim of protecting the open countryside from unnecessary development, and prescribes a range of rural activities for which development might be acceptable. These activities include agriculture, rural diversification projects, forestry, nature conservation, tourism and recreation. The proposed dwelling does not associate itself with a recognised rural activity and simply represents the erection of a dwelling in the countryside, beyond the prescribed development limits of Etherley and Toft Hill.
28. Policy H4 of the Local Plan encourages the development of previously developed infill sites within the settlement boundaries of the former district's towns and villages, provided they would not cause adverse privacy and amenity conditions for existing occupiers, and provided they can be safely accessed. The application site is neither within the development limits, nor can it be properly regarded as previously developed. Whilst the applicant asserts that there were previously dwellings in this location, all signs of such development have long since gone, and the land has the appearance of a well maintained garden. Gardens are no longer classed as brownfield land and the presence/demolition of any buildings within a garden do not turn it into brownfield land. The site is therefore greenfield land. This is irrelevant in any case because the site is not within the development

limits, and so Policy H4 does not apply. The proposal must therefore be assessed against rural protection and housing policies.

29. RSS policy 4 advocates a sequential approach to housing sites and the application site would be given a very low priority given its location outside the development limits and the fact that any buildings previously present on the land have long since gone and the land used for garden purposes. The most relevant policy though is Policy H6 of the Teesdale Local Plan, which deals with dwellings in the countryside. This policy does not permit a new dwelling in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry and this presumption against housing in the countryside is repeated in the NPPF. The application does not promote the development for the essential need for a rural worker to live permanently at or near their place of work in the countryside; rather, the dwelling would be for private residential use promoted on the basis of a medical condition. Whilst paragraph 50 of the NPPF says that LPA's should plan for a mix of housing including that which meets the needs of different groups in the community such as people with disabilities, a disability or medical condition is not cited in paragraph 55 as a special justification that might otherwise allow residential development in the countryside and medical conditions seldom carry significant weight as a material planning consideration, unless a proposal is finely balanced. In this case the proposal is not considered to be finely balanced because there is a serious highway safety issue with the access, which will be discussed below.
30. The principle of the proposal therefore runs contrary to Policies H6 and ENV1 of the Teesdale District Local Plan 2002, as well as being contrary to RSS policy 4 and the guidance within the NPPF.
31. The applicant considers that the emerging County Durham Plan (CDP) would support the principle of the current proposal and that because the emerging CDP reflects considerably changed aims and priorities in the County, it ought to be given more weight than the existing local plan.
32. As already explained, the NPPF is clear that the development plan against which applications must be determined is the Plan that is currently in force, which is the Saved policies of the Teesdale Local Plan 2002 and RSS. The County Durham Plan (Local Plan Preferred Options) is the most recent component of the emerging development plan, and it is still out to the first stage of consultation. The weight it can be given is therefore very limited because it is likely to be subject to change following consultation. It is worthy of note, however, that while the proposal in locational terms, might find more favour under CDP Preferred Options Policy 16 because of the absence of development limits, it would however, for the reasons set out below, fail test (i) of that policy in terms of the adverse impact upon highway safety, as will now be discussed. There is also no certainty that the policy will be retained, or remain unaltered, so reference to this policy cannot be given any meaningful weight.
33. As for any arguments on housing supply numbers, it cannot be argued that a single dwelling would make any meaningful contribution to the area's housing supply performance and therefore this factor carries no weight as justification for a proposal that is otherwise contrary to the identified housing and countryside policies.

Highway safety

34. There is a loose surfaced track and forecourt to the front of 1 & 2 Bankwell, accessed from the adopted, but unclassified highway to the west. This road links Etherley and Phoenix Row to the north. The frontage area contains garages, with a gate to the east to allow access to agricultural land and gardens beyond.
35. In response to highway objections expressed on the previously withdrawn application, the applicant has incorporated into the current application a scheme for improving the frontage area to enable cars to be turned so as to exit the site in forward gear. This does not however overcome the serious deficiency in highway visibility to the north, which forward facing vehicles would still face, caused by the proximity of the gable wall of 1 Bankwell to the southbound carriageway of the adjacent road.
36. The Highways Authority has commented that sight visibility from the side road to Bank Well is wholly substandard in a northern direction, which is the critical traffic stream. When measured in the correct manner upon the submitted 'proposed site layout', sight visibility is just 7.5m, i.e. commensurate with approach speeds of 9mph. If, not unreasonably, assuming 85th percentile approach speeds are in the region of 35mph, then the appropriate minimum sight visibility splay required for this proposal would be 54m, which is not achievable. The deficiency in visibility is therefore considered to be serious. As outlined above, the applicant's assertion that the proposal would lead to an overwhelming improvement to highway safety for all residents is overstated because even forward facing vehicles would still experience significantly substandard visibility. The pertinent issue, as before with the previously withdrawn application, is whether reversing or driving forward on to Bank Well makes any material difference in practice to the available substandard existing sight visibility. A car driver typically sits very close to the mid point of a vehicle but even assuming they are slightly closer to the rear (i.e. 2m), this alters the visibility distance along Bank Well to the north from 2.4m by 7.5m, to 2.0m by 8.5m. When compared to the required visibility splay (54m) commensurate with likely vehicle speeds, then whether or not a car is reversing or moving forward cannot be considered to make a material difference to the identified serious sight visibility deficiency; rather, the difference is virtually negligible. Therefore, while leaving in forward gear would be more convenient than reversing out, it would not make any fundamental difference to the safety of the access, which would remain wholly unsafe for all users. The proposal would not therefore deliver the overwhelming improvements to highway safety claimed by the applicant and the fact that the situation is already unsafe for existing properties should not justify adding to an already poor situation. Adding further residential development and associated vehicle movements to this already substandard situation with no fundamental improvement being achieved, would worsen conditions and increase highway safety risks at the access making it more unsafe. This issue of highway safety is a matter of public interest which is considered to carry much greater weight than the applicant's private medical interest.
37. The inability of the proposal to secure a safe vehicular access and intensification of use of an unsafe access is therefore contrary to Policy GD1 and H6 of the Teesdale Local Plan, as well as chapter 4 of the NPPF.

Design and layout

38. The proposed dormer bungalow would be located at the eastern end of Bankwell, close and generally in line with 2 Bankwell. The three bedroom dwelling would be constructed using random stonework and slate covered pitched roof, with integrated solar panels. Windows and doors would be UPVC and two small dormer windows and five rooflights would be used to provide daylighting to the first floor rooms. The bungalow would also feature an integral single garage.
39. The proposed dwelling would retain most of the substantial garden land, part of that land being allocated to the rear of 2 Bankwell to serve as private amenity space for that dwelling.
40. In terms of design and layout, the proposal is considered acceptable. Appropriate materials and detailing would be used, sufficient private amenity space would be provided, and there would be no adverse impact upon the privacy and amenity of the existing two dwellings which lie close by. Adequate off-street parking would be provided. The proposal would accord with these aspects of Policy GD1 of the Local Plan.

The applicant's personal circumstances

41. It has already been alluded to that the justification put forward for departing from the development plan in this case has been on the grounds of the applicant's medical condition. The application is supported by comprehensive statements describing the applicant's medical condition and the likely deterioration in his mobility over time. One letter of support has been received since the application was submitted, and a further 11 letters of support are included in the supporting documents to the application, from local residents, businesses and health professionals.
42. Clearly, the applicant's existing two storey accommodation would become increasingly unsuitable in its present form to meet the applicant's needs, and it is stated that the constraints of the existing 'two up, two down' building with its steep staircase make it unsuitable for adaptation. This is not disputed.
43. However, an applicant's personal circumstances are seldom a material planning consideration which can be given significant weight when faced with strong policy presumption against the proposed development, because they seldom outweigh the wider public interest which the policies seek to protect and the development would exist long after the personal circumstances cease to apply. Accordingly, personal circumstances will normally only be decisive when other material considerations are finely balanced. There are also no planning policy provisions which suggest that an applicant's medical condition can be taken into account as a special circumstance to justify departing from rural restraint housing policy.
44. In this case it has been established that the proposed dwelling would be clearly contrary to housing and countryside policies in the Teesdale Local Plan and would not achieve a safe vehicular access. Notwithstanding Member's own views on the principle of development in the countryside, the issue of highway safety is held to be of particularly significant importance. This is therefore not considered to be a case which is finely balanced and therefore while consideration has been given to the applicant's medical condition, this factor is a private matter which is

not considered to carry sufficient weight to outweigh the public interest and identified conflict with the development plan policies, particularly in respect of highway safety.

CONCLUSION

45. As explained above, the proposed development is considered to be unacceptable due to its location beyond the development limits of Etherley and Toft Hill, and because of extremely substandard forward visibility at the junction of the access with the main road. Whilst that access already serves two dwellings, the addition of a third dwelling, regardless of whether vehicles would be able to leave in forward gear, would increase vehicle movements and the potential for an accident at the access point because of seriously deficient visibility at the junction with Bank Well.
46. Regard has been given to the personal circumstances of the applicant including his medical condition and his desire to remain close to his family. It is further recognised that the present dwellinghouse would become progressively less suitable if not adapted to suit his needs. Regrettably however, it is not considered that the personal circumstances of the applicant carry sufficient weight to outweigh the conflict with the current development plan, particularly in respect of highway safety.

RECOMMENDATION

That the application be **REFUSED** for the following reasons;

1. The proposed development would lie beyond the development limits of Etherley and Toft Hill as defined in Inset Map 2 of the Teesdale District Local Plan 2002. The application site is land which is of greenfield character, used for garden purposes associated with 2 Bankwell, Low Etherley. The proposal is therefore considered to constitute development in the countryside and in the absence of a proven need for a private dwelling in this location; the proposed development is contrary to Policies H6 and ENV1 of the Teesdale District Local Plan 2002, RSS policy 4, and the guidance within the NPPF.
2. Notwithstanding the formation of a turning area on the existing frontage area to 1 and 2 Bankwell, the proposal would be detrimental to highway safety by reason of inadequate forward visibility of southbound traffic at the point of access onto the unclassified road Bank Well. The proposal would intensify the use of this substandard junction with a detrimental impact upon highway safety, contrary to Policy GD1 of the Teesdale District Local Plan 2002, and the guidance within the NPPF.


BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Teesdale District Local Plan 2002
Response from County Highway Authority
Response from the Planning Policy Section

Durham County Council GIS



 <p>Planning Services</p>	<p>LAND ADJACENT TO 2 BANKWELL, LOW ETHERLEY, BISHOP AUCKLAND</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	<p>APPLICATION 6/2012/0240/DM</p>
	<p>Date NOVEMBER 2012</p>	<p>Scale 1: 1250</p>

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2012/0393

FULL APPLICATION DESCRIPTION: Retrospective permission for 2.0m high timber security fence and gates

NAME OF APPLICANT: Meridian Estates

ADDRESS: General Bucher Court, Hawthorn Road, Bishop Auckland, DL14 6EY

ELECTORAL DIVISION: Woodhouse Close

CASE OFFICER: Paul Hopper, Planning Officer
03000 263946, paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to an existing sheltered housing complex of self-contained flats located within a predominantly residential area towards the centre of Bishop Auckland. The complex itself is made up of three double storey buildings of 1970's design and brick construction, and connected by two single storey link corridors and also includes areas of soft landscaping and an associated car park to the west. A mix of 43 studio flats and apartments are provided together with some communal areas.
2. The complex was previously used by a housing association which provided accommodation to the elderly but has recently been occupied by a housing association that specialises in providing accommodation for young people who are homeless or at immediate risk of becoming homeless.

The Proposal

3. Planning permission is sought retrospectively for the retention of a close boarded timber fence with associated gates which extends along the northern boundary of the site. The fence covers a total length of 113 metres and is approximately 2 metres in

height and is finished in mid brown wood stain. In addition, four sets of pedestrian gates have been provided within the fencing and of the same height and appearance.

4. Prior to being brought back into use earlier this year, the site was subject to periods of vandalism causing significant damage. The applicant has advised that the boundary fence to which this retrospective application relates was erected to mitigate these problems on the advice of Durham Constabulary Crime Prevention Officer.
5. The application is being reported to the South West Area Planning Committee at the request of Councillor Lee in order that the committee can properly assess the potential impact of the proposal on the surrounding area.

PLANNING HISTORY

6. There is no planning record of when the residential complex was originally constructed. However, information received from Housing 21 (the housing association that previously operated the complex), indicates that it was built in 1970 by the British Legion as a sheltered housing complex. A planning application (3/2001/0386) for two extensions to form lifts and lobbies was made by Housing 21 in July 2001 and submitted plans show the general arrangement of the buildings as a sheltered housing complex.

PLANNING POLICY

NATIONAL POLICY

7. 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 overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development via three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. The following elements are considered relevant to this proposal;
 - An economic role seeks to contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and
 - A social role seeks support strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with its accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- An environmental role seeks to contribute to protecting and enhancing our natural, built and historic environment; and, as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

10. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Paragraph 17 contains the 12 core land-use principles that planning should underpin decision taking. These include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and,
- take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

REGIONAL PLANNING POLICY

11. 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.

12. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.

13. *Policy 8 (Protecting and Enhancing the Environment)* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

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

LOCAL PLAN POLICY:

14. The following policy of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 is relevant in the determination of this application:
15. *Policy GD1 (General Development Criteria)*: All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

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

STATUTORY RESPONSES:

16. *The Highway Authority* offers no objection to the proposal but notes that two sections of fence to the rear of Elm Terrace and a section at its easternmost point appear to encroach upon the public highway. It is noted that matters of highway encroachment are subject to appropriate control under Section 143 of the Highways Act 1980 which also includes powers of enforcement. Details of the fence have been passed to the Council's Highway Policy & Asset Management Section to consider whether or not any breach has taken place.
17. *Durham Constabulary Architectural Liaison Officer* has no objections to the proposal noting that during the time General Bucher Court stood empty, it was subject to a serious amount of burglary and vandalism and that at the time it had an open aspect with an insecure boundary. They confirm that the fence was necessary to offer the buildings some protection and to help break the cycle of offending. Closing the cut through was necessary to protect the flats and in time the closure will prove to be a benefit to the surrounding houses (in particular Elm Terrace as the cul-de-sac it has created will be more secure). In response to concerns that the fence has generated antisocial behaviour it is noted that the problem was there before the fence was erected and while it may have been subject to vandalism, it is not the cause.

INTERNAL CONSULTEE RESPONSES:

18. *Public Rights of Way Section* states that there are no recorded rights of way through the site. However, they note that it is possible that access may have been established through presumed dedication, a procedure which is tested under the Wildlife and Countryside Act 1981, where it is necessary to show that there has been uninterrupted use by the public over a period of 20 years, and that the landowner never intended to dedicate the way (which could be by way of notices indicating that it was private, reports from people who can give evidence that the way was private or an interruption of the public's use, for example, by locking a gate for one day during the year).

PUBLIC RESPONSES:

19. The application has been advertised on site and neighbour notification letters sent to surrounding properties. In total 26 letters/emails of objection have been received and these reasons for objection are summarised below;

- The fence is unsightly, poorly constructed, is unsuitable for a residential area and has an adverse impact upon visual amenity.
- The fence has an adverse impact upon parking, access and highway safety and blocks a public right of way.
- The fence has created a focal point for youths who congregate alongside it and use it to sit on from where they can see directly into the windows of neighbouring properties. The resulting antisocial behaviour adversely affects the amenity of adjacent residential occupiers.
- The fence is too high and as such is overbearing reducing the amount of natural light enjoyed by adjacent residential properties.
- The position of the fence is such that it has reduced the width of lane to the rear of Oak Terrace restricting vehicular access.
- High level lighting has been installed on the building and light spill from these is adversely affecting adjacent properties.
- A number of trees have been removed from the site.
- The site should be developed for housing.
- The gates onto Elm Terrace will have an adverse impact upon highway safety, parking and access.
- The fence will reduce the property value of surrounding houses.
- The use of the building is unacceptable.
- The fence in places has created a gap between the fence itself and an existing wall which will collect litter and raise maintenance issues for the local authority.
- The application retrospective and should not be considered.
- Incorrect dates have been provided in the application in relation to when the works commenced.
- The CCTV cameras which have been installed on the building are unacceptable.

APPLICANTS STATEMENT:

20. The buildings at General Bucher Court have long suffered from vandalism and abuse from local children who use the sheltered and hidden corners of the buildings alongside Hawthorn Road to drink and use drugs. This has also led to serious vandalism and theft while the buildings were unoccupied.
21. The buildings are now mostly tenanted and the residents gain considerable peace of mind from the fact that children can no longer hide-out on or around their homes to cause nuisance.
22. We have considered the objections regarding the height of the fence and are willing to remove a section of the fence running along the top of the existing wall alongside Block 3 that is above 2.0M high as shown on the accompanying drawing, however we feel that the security of the tenants should be our main concern and that this would be comprised if the fencing was reduced below 2.0m high in other areas.
23. Our future aim is to improve the surroundings of the whole site and once the development has a more settled and well established use, it would be our intention to replace some of the fencing with railings of a more aesthetic appearance subject to agreement with the local authority.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

24. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received, it is considered that the main planning issues in this case relate to the impacts upon the amenity of surrounding residents, the visual impact and issues of highway safety and access.

Impact upon residential amenity

25. The fence has an overall height of 2 metres and is located along the northern boundary of the site parallel to Hawthorn Road and Oak Terrace. The nearest residential properties at Oak Terrace are located approximately 6 metres from the fence. Properties at Hawthorn Road, Cedar Road and Laburnham Road are situated 12 metres away.

26. A number of residents have raised concerns regarding overshadowing and loss of sunlight to surrounding properties, particularly those at Oak Terrace. While the fence is located to the south of these properties it is considered that the 6 metres separation distance is sufficient to ensure that there would be no adverse residential amenity impacts in terms of the fence being overbearing or leading to any loss of light or overshadowing. In addition, existing boundary treatment to the rear of these properties comprises a 2 metre high boundary wall and as such the fence does not create any overshadowing above that already created by this boundary wall.

27. Properties to the north at 2 Hawthorn Road, Hawthorn Cottage, Cedar Road and Laburnham Road are located 12 metres from the fence and this is considered sufficient distance to ensure that there would not be any adverse impact in terms of overbearing, overshadowing and loss of sunlight. The orientation of properties at Cedar Road and Laburnham Road is such that the fence predominantly fronts blank gable elevations, although there are some non-habitable windows positioned on the side elevations of rear offshoots which themselves are set back within rear yards.

28. Notwithstanding the above, the applicant has agreed to remove three sections of fence where it has been erected above existing brick walls. These are interspersed along the length of the fence on Hawthorn Road and as it turns into the rear lane of Elm Terrace. This would assist in mitigating any potential impact on the amenity of nearby residents, and can be secured through the imposition of an appropriate planning condition. As such, the proposal would not significantly adversely affect the amenity of surrounding residents in accordance with Local Plan Policy GD1.

29. Residents have raised concerns regarding antisocial behaviour and that the fence is regularly climbed by youths. The applicant has confirmed that the fence was erected on the advice of Durham Constabulary Crime Prevention Officer to address issues of crime, antisocial behaviour and vandalism at the site. Durham Constabulary Architectural Liaison Officer has been consulted and notes that the problem of antisocial behaviour existed before the fence was erected and that while it may have been subjected to vandalism, it itself is not the cause. In addition they consider the fence was necessary to offer the buildings some protection and will, over time, prove to be a benefit to surrounding houses (particularly those in Elm Terrace) as the cul-de-sac it has created will be more secure. As a result it is considered that the proposal would not have any adverse impact to the amenity of surrounding residential occupiers in terms of antisocial behaviour and as such accords with the requirements of Local Plan Policy GD1.

Impact upon visual amenity

30. The site is located within a predominantly residential area and prior to the erection of the fence, it had an open aspect to the north with boundary treatment elsewhere at the site comprising a small dwarf wall with associated piers. The fence has an overall height of 2 metres and has been finished in mid brown wood stain. Several residents have raised objection to the fence citing its height, appearance, quality of build and finished colour which they consider is not in keeping with the character of the surrounding area and has an adverse impact upon visual amenity.
31. While the site lies to the south west of Cockton Hill Conservation Area, it is not subject to any landscape or conservation designation and has limited impacts outside the immediate area.
32. The overall height of 2 metres is approaching the upper limits of what could be considered acceptable in a predominantly residential area, however, the colour finish and timber construction is of a style typical of that found in residential areas throughout the County. In addition, the impact of the fence is further mitigated by virtue of a 40m section of the fence being located within the rear lane of Elm Terrace, where high boundary treatments are typically found. Furthermore, the remainder of the fence along Hawthorn Road is broken up by existing sections of walling, as opposed to the fence being a continuous solid boundary treatment.
33. The concerns of local residents are noted and the agreement of the applicant to remove those sections of fence above existing boundary walls is welcomed and this can be secured through the imposition of an appropriate planning condition. It is therefore considered that the fence would not have any unacceptable adverse impact upon the character and appearance of the surrounding area in accordance with the requirements of Local Plan Policy GD1.

Highway Safety and Access

34. Several residents have raised objection to the application on the grounds that the fence has restricted the use of an existing footpath that previously spanned the site. The Rights of Way Section confirms that there are no registered rights of way across the site, and although there are mechanisms available to contest access rights, through continuous use for a period of 20 years or more (presumed dedication), this assessment falls beyond the control of relevant planning legislation. As the proposal does not currently affect any designated public right of way, it is considered that it accords with the requirements of Local Plan Policy GD1.
35. The fence is located adjacent to the adopted highway at Hawthorn Road and Elm Terrace, and its straight, linear layout is such that it does not have any adverse impact upon the visibility of those vehicles using this road. Local Plan Policy GD1 that proposals provide safe access, and as such, the proposed fence accords with the requirements of the policy. The Highway Authority has no objections but notes that part of the fence appears to encroach onto the public highway at points to the east of Hawthorn Road and to the rear of Elm Terrace. While this encroachment has narrowed the width of the existing lane it has not done so to the extent that this would have an adverse impact upon highway safety or its ability to accommodate vehicles warranting refusal of the application. Matters of highway encroachment are covered by provision in Section 143 of the Highways Act 1980 and cannot be enforced by planning legislation.

36. Within the length of fencing erected, there are four sets of pedestrian gates, which currently open outwards onto the public highway. The Highway Authority has advised that these should be amended to open only inwards in order to protect the safety of those users of the adjacent pedestrian footpath. The applicant has agreed to undertake these works which could be ensured through the inclusion of appropriate planning condition.

Other matters

37. Residents have raised objection to the retrospective nature of the scheme and that they were not consulted by the applicant prior to the installation of the fence. In addition they note that the date which the applicant states that the works commenced is inaccurate. While it is disappointing that the fence was installed without the benefit of planning permission, the retrospective nature of the application is not a material planning consideration nor is any alleged discrepancy in the dates provided relating to when the development commenced.

38. Concerns have been raised in relation to the removal of two large leylandii trees on the northern boundary of the site, in order to accommodate the fencing. The site is not located within a conservation area and the trees were not protected by a Tree Preservation Order, and as such they were afforded no statutory protection. However, since the removal of the trees, a Tree Preservation Order has been served on two large retained trees on the southern and western edges of the site to ensure their long term retention as they make a significant contribution to the character of the and appearance of the surrounding area.

39. Residents have objected to the installation of high level lighting and CCTV equipment at the site which have adversely affected the amenity of surrounding properties in terms of light spillage and loss of privacy. Both the lighting and CCTV have deemed consent under provision of the Town and Country Planning (General Permitted Development) Order 1995. Notwithstanding this, the applicant has been made aware of these concerns and has realigned the lighting and reduced the area covered by the CCTV equipment to wholly within the site.

40. Several residents have voiced objections to the use of the complex as residential housing for young people and questioning whether or not this constitutes a material change of use requiring planning permission. While this application relates solely to the retention of the boundary fence and associated gates, the site remains in use as a sheltered housing complex, and as such, no material change of use of the land and buildings has occurred and accordingly planning permission is not required for the current use.

41. Residents have concerns that the fence will reduce the value of surrounding properties. The impact of development upon surrounding property values is not a material planning consideration.

42. Finally, some residents have concerns at what they believe are future plans to provide similar boundary treatment arrangement along the western boundary with the Elm Terrace. This application relates solely to the fence erected to the northern boundary and as such any future proposed to install a similar fence to the west would require planning permission which would be considered separately, and on its planning merits.

CONCLUSION

43. The timber fence and gates have been provided to improve security at the site and enclose what are private garden areas used by the residents of the associated flats. While the overall height, at two meters, is approaching the upper limits of what would be considered acceptable within a residential area, it is considered that the timber construction and finished colour are typical of a residential boundary fence, and as such the fencing and gates does not have an unacceptable impact upon the character and appearance of the surrounding area. Nevertheless, the applicant has agreed to remove three sections of fencing erected above existing walls to further reduce the impact of the fencing on the immediate area.
44. Nearby residential properties are considered to be sufficiently far away from the fencing that there are no adverse impacts upon residential amenity in terms of overshadowing, dominance or privacy loss. Accordingly, it is considered that the application accords with Local Plan Policy GD1, and is therefore acceptable.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. Within three months of the date of this permission the three sections of fencing erected above existing walls shall be removed for the entire length of the respective walls and shall not be reinstated thereafter. The local planning authority shall be notified within seven days of the completion of the works. Reason: In the interests of highway safety in accordance with the requirements of Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. Within 3 months of the date of this permission the four pedestrian access gates located within the boundary fence hereby approved shall be repositioned so that they are inward opening into the site only and this arrangement shall thereafter be retained. The local planning authority shall be notified within seven days of the completion of the works. Reason: In the interests of visual amenity in accordance with the requirements of Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered acceptable having regard to the provisions of the NPPF, RSS and Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.
2. More specifically, the proposed fence has improved security at the site and enclosed what is a private amenity space serving an associated residential development and without having unacceptable impacts on the character or appearance of the surrounding area, the amenity of nearby residents, or highway safety.
3. In arriving at this recommendation, the public consultation responses received have been considered, however on balance, the issues raised are not considered sufficient to warrant refusal of the application and can, where appropriate, be mitigated through inclusion of planning conditions.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Design and Access Statement
- National Planning Policy Framework
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- Wear Valley District Local Plan
- Circular 11/95: Use of conditions in planning permission
- Responses from Highway Authority
- Internal responses from Public Rights of Way
- Public Consultation Responses



Planning Services

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Retrospective permission for 2.0m high timber security fence and gates at General Bucher Court, Hawthorn Road, Bishop Auckland, DL14 6EY

Comments

Date 22 November 2012

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