

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: 3/2011/0234
FULL APPLICATION DESCRIPTION: Formation of fishing pond and new access track
NAME OF APPLICANT: Mr Anthony Smith
ADDRESS: Bowlees Farm, Durham Road, Wolsingham
ELECTORAL DIVISION: Weardale
Colin Harding
CASE OFFICER: colin.harding@durham.gov.uk
03000263945

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site is an agricultural field located to the east of Wolsingham and to the north of the A689. The field is formed by low ground at the foot of the valley side that rises to the north and lies within an Area of High Landscape Value as identified within the Wear Valley District Local Plan. A small watercourse/ditch runs to the east of the site. Above the field, approx 260m to the north, lies Bowlees Farm which is accessed via a metalled track that meets the A689 to the west of the site and follows the contours of the land. This track also serves Dunskins Farm which is located approx. 400m to the northwest of the application site and is also designated as a Public Right of Way. Bowlees Farm currently hosts a dwelling and attached holiday annex which were restored in 2010 following significant fire damage.
2. The field is currently used as pasture for sheep and its damp nature is evidenced by the presence of clumps of soft rush. The field boundaries are formed on three sides by post and net stock fencing and hawthorn/blackthorn hedging with some oak, alder, holly and ash trees also present.

The proposal

3. The application seeks planning permission for the formation of a fishing lake, which would be formed in the southern part of the field with raised bunds of approx. 3m in height to the north and south. It is further proposed to form a smaller header pond in the north east corner of the site. Both the main lake and header pond would be landscaped to a greater degree than currently with a variety of species, including screening trees, lakeside, marginal, filter feeding and oxygenating species.
4. It is further proposed to form a separate new spur to the existing access track which would run from the north west, alongside an existing hedge line to the north western corner of the site, where 3no. car parking spaces would be created with hedgerow screening to the east.

5. The lake would be filled mainly by the existing water table as the depth of the lake would be excavated below the existing level of standing water. Any increase in water level required would be facilitated by the use of the header pond, which in turn would take supply from the existing watercourse to the east of the site by means of a sluice gate. The main pond would incorporate a discharge sluice to allow control over the level of lake in times of prolonged heavy rainfall, if required.
6. The application is being reported to committee as it falls within the definition of a major application due to the size of the site and works.

PLANNING HISTORY

7. None for the field in question, although it should be noted that application 3/11/0411 for the formation of 3no. holiday cottages at Bowlees Farm is currently under consideration.

PLANNING POLICY

NATIONAL POLICY:

8. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
9. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
10. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
11. *Planning Policy Guidance 13 (PPG13): Transport* sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
12. *Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation* states that the countryside can provide opportunities for recreation and visitors can play an important role in the regeneration of the economies of rural areas. Open spaces within rural settlements and accessibility to local sports and recreational facilities contribute to the quality of life and well being of people who live in rural areas.
13. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* is intended to complement the pollution control framework under the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control (England and Wales) Regulations 2000.
14. *Planning Policy Statement 25 (PPS25): Planning and Flood Risk* sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

15. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth and to achieve sustainable development.

REGIONAL PLANNING POLICY

16. *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.
17. 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 policies are considered relevant;
18. *Policy 2 – Sustainable Development*
Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives.
19. *Policy 31 – Landscape Character*
Planning proposals should be appropriate to the special qualities of areas of landscape value
20. *Policy 33 – Biodiversity and Geodiversity:*
Proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
21. *Policy 34 – The Aquatic and Marine Environment*
Planning proposals should consider the wider management and conservation of water bodies.
22. *Policy 35 – Flood Risk*
A sequential risk-based approach to development and flooding should be adopted in accordance with PPS25 when considering development proposals.

LOCAL PLAN POLICY:

23. The following policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
24. *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.

25. *Policy ENV1 (Protection of the Countryside):*

The District Council will seek to protect and enhance the countryside of Wear Valley.

26. *Policy ENV3 (Area of Landscape Value):*

Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.

27. *Policy TM1 (Criteria for Tourist Proposals):*

The Council will give encouragement to schemes which provide tourism facilities in the District provided they accord with criteria set out in the local plan.

28. *Policy T1 (General Policy – Highways):*

All developments which generate additional traffic will be required to fulfil Policy GD1 and:

- i) provide adequate access to the developments;
- ii) not exceed the capacity of the local road network; and
- iii) be capable of access by public transport networks.

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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. The *Environment Agency* originally raised an objection to the scheme on the basis of the level of information submitted, however following further discussions with the applicant, information has since been received allowing the objection to be withdrawn.

30. The *County Highway Authority* raise no objections to the proposals, noting that the junction with the A689 is capable of accommodating two way vehicular traffic, as is the access road up to Dunskins Farm. Beyond this point the track is capable of accommodating only one vehicle. It is also noted that passing places exist on this section of track between Dunskins Farm and Bowlees Farm and that there is a relatively long distance between the first passing place and the two way section of track. It is considered that all users of the track would benefit from an additional passing place near to the point of entry after the gated access to Bowlees Farm. Furthermore, it considered necessary to secure a reduction in the height of the hedgerow at the junction with the A689 in order to improve visibility.

31. *Northumbrian Water* offers no objection to the proposals.

32. *Natural England* offers no objection to the proposals.

INTERNAL CONSULTEE RESPONSES:

33. The *Landscape Section* have no objections in principle but would like to see further details with regards to the planting scheme and design of the bunds. They also note that the proposed track would encroach upon the root protection area of a mature tree.
34. The *Design and Historic Environment Team* raises no objections subject to the material to be used for the new track being agreed.
35. The *Environmental Health and Public Protection Team* offer no objections to the proposals.
36. The *County Ecologist* raises no objection to the proposals.

PUBLIC RESPONSES:

37. The application has been publicised in the press, by site notice and letters were sent to neighbours. No representations have been received.

APPLICANTS STATEMENT:

38. The lake will form part of the existing holiday let business which operates from Bowlees Farm, where fishing would form part of the holiday package. It is also hoped that the lake will also attract day anglers, so the stocking, maintenance and upkeep of the lake and its surroundings will be an integral part of the business of the farm.

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 Crook Civic Centre.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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 a fishing lake in this location, landscape impact, impact of the development upon the surrounding environment and protected species, impact upon nearby occupiers and highway safety.

Principle of the development.

40. The formation of the proposed fishing lake is intended to complement the existing holiday cottage business that the applicant operates at Bowlees Farm, which currently forms a single annexe to the existing farmhouse with access to a private swimming pool. It would also be available for use by day anglers.
41. Policy TM1 of the Wear Valley District Local Plan states that the Council will give encouragement to schemes which provide tourism facilities provided that they are compatible with their surroundings, can be absorbed into the landscape, can be accessed safely and do not affect the amenities of local residents adversely.
42. Policy TM1 is considered to be a permissive policy, which seeks to support tourism development where it is appropriately sited. Therefore, providing that all other

matters are acceptable there is considered to be no reason to resist the proposal on principle alone.

43. This approach is further strengthened by the advice contained with PPS4 and PPS7 which also seek to support rural economic development where proposals are consistent in scale and environmental impact upon their surroundings.

Landscape Impact

44. It is accepted that the scale of the proposed lake is large, however with adequate screening it is considered that it would not appear as unreasonably incongruous within the wider landscape. The proposal benefits from not requiring any building work, other than for the track and as a result should assimilate well into the landscape over time.
45. Although located relatively close to the main A689 road, the topography of the site means that the lake itself would not appear as excessively prominent, being located at the base of the valley side, at a similar level to the road itself. The proposed bunds and landscaping would be visible from the road, but would not appear as unnecessarily unusual given the hedgerow planting that is located adjacent to the road.
46. The immediate area is characterized by relatively large fields interspersed with belts of woodland and it is considered that the appearance of the lake from the road would not alter this general character to any great degree.
47. The Council's Landscape Section raise no objection to the application but do wish to secure further details with regards to the proposed landscaping scheme and shaping of bunds. It is considered that these details can be secured by the imposition of a suitable condition.
48. The proposed track is relatively long, but its impact would be reduced from following the existing hedge line, thus screening it to a certain degree. It is considered that subject to the materials for the track being agreed via the imposition of a suitable condition, that the proposed track would be acceptable in this location.
49. It is therefore considered the proposals accord with the relevance requirements of Policies GD1, TM1, ENV1 and ENV3 of the Wear Valley District Local Plan.

Impact upon surrounding environment and protected species

50. The proposals have been subject to prolonged discussion with the Environment Agency with regards to flood risk and impact upon existing watercourses. With regards to this the applicants have submitted further information that has satisfied the Environment Agency that the impact of the proposed lake would be acceptable with regards to flood risk and pollution.
51. No diverting or altering of existing watercourses would be required and the lake would be filled from the natural water table in this field. Two overland flow routes rise within the field in question and therefore the site is currently identified within the County Durham Strategic Flood Risk Assessment. However, the two flows would be contained within the pond, the level of which would be controllable via sluices. It is considered therefore that the development would not pose a flood risk and may even

improve the current situation. This element of the proposal is therefore considered to be in accordance with the provisions of PPS25.

52. The applicant has confirmed that only species naturally found in the River Wear will be stocked in the lake and in any event the sluices would be designed so as not to allow the ingress or egress of fish species.
53. With regards to nature conservation and the conservation of protected species, neither Natural England nor the County Ecologist raise any objections to the proposals which would be considered to not unreasonably impact upon the biodiversity of the area or protected species, in accordance with the provisions with PPS9.

Impact upon nearby occupiers

54. Policy GD1 of the Wear Valley District Local Plan states that new development proposals should not be detrimental to public health, disturb or conflict with adjoining uses.
55. By its very nature fishing is a non-disruptive activity, likely to cause little disturbance to nearby occupiers. Indeed, many take up the activity in order to relax and enjoy peace and quiet. The nearest residential property is Lovesome Hill Bungalow located approximately 220m to the south of the lake. At this distance it is considered that any disturbance or loss of privacy would be minimal, and the amount of vehicular traffic using the access is unlikely to be so great that it would cause unacceptable disturbance from noise. The Council's Environmental Health Section raise no objections to the proposals which are considered to be in accordance with the relevant requirements of Policies GD1 and TM1 of the Wear Valley District Local Plan.

Impact upon highway safety.

56. The application site benefits from relatively close proximity to a well established access to the A689. Although located around 1km to the south east of Wolsingham itself, the proximity of the site to the arterial A689 provides it with a safe and easy access for visitors.
57. It is noted that the access track does reduce in size as it passes Dunskins Farm, to become only suitable for a single vehicle and although there are some passing places, these are well separated and would be of limited suitability for vehicles accessing the fishing lake. It is therefore proposed to attach a suitable condition to any permission securing the provision of a further passing place between the lake and Dunskins Farm. The existing track is within the applicant's ownership along this length.
58. With regards to parking, 3no. spaces are to be provided which is considered to be adequate, especially having regards to the fact that it is intended that the lake be associated with holiday accommodation at Bowlees Farm which is within easy walking distance.
59. The proposed track would pass close to an existing mature tree as it enters the field where the lake would be located. In order to avoid damage to the roots of this tree, it is proposed to attach a condition to any permission in order to secure special construction methods in this area to avoid any damage to the tree. It is further suggested that a condition be attached to any permission to secure the reduction in

height of hedgerows adjacent to the junction with the A689 in order to secure improved visibility.

60. The existing track does form a Public Right of Way and is used by walkers. It is considered that the level of vehicular traffic likely to be generated by this development would be unlikely to compromise the use of the right of way by pedestrians, although the applicant would be reminded of the requirement to not prevent the use of or block the Public Right of Way.
61. The County Highway Authority raise no objections to the proposals, which are considered to accord with the requirements of Policies GD1, TM1 and T1 of the Wear Valley District Local Plan in this respect.

CONCLUSION

62. Although the proposed fishing lake is large, it is considered that is situated in an appropriate and accessible location, where it would also be absorbed into the landscape, retaining the character of the Area of High Landscape Value. Equally, the proposed track would be logically located along a field boundary and as a result would be adequately screened. Furthermore, the formation of a lake in this location would be unlikely to result in environmental harm or increase flood risk. The conservation of protected species would be maintained. It is considered that the proposal would be unlikely to unreasonably impact upon residential amenity, or compromise highway safety.
63. It is further considered that the proposals would form an acceptable means of farm/tourist diversification and would contribute to the rural economy both through the continuation of the existing holiday let business and through the use of the lake by day anglers.
64. It is considered therefore that the application is in accordance with the provisions of national, regional and local plan policy.

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 and Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans.

Plan Reference Number:
Site Location Plan 909/PL001

Date received:
7th July 2011

Proposed Plans and Sections 909/PL002	7 th July 2011
Outline Landscape Proposals 909/PL003	7 th July 2011
Water Supply & Overflow Details 909/PL004	15 th December 2011
Water Supply & Overflow Details 909/PL005	15 th December 2011

Reason: In order to secure a satisfactory form of development in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

3. Before any development is commenced the approval of the Local Planning Authority is required in writing to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post planting maintenance and sectional details of any bunds proposed. Such scheme as approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated and any trees, shrubs or bushes which within a period of five years beginning with the date of completion of the scheme, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the assimilation of the development into the landscape in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

4. Prior to the fishing lake hereby approved being brought into use, details of a vehicular passing place within 20m (in a northward direction) of the existing gate giving access to Bowlees Farm from the A689 junction, to the east of the Dunskins Farm entrance shall be submitted to and approved in writing by the Local Planning Authority. The approved passing place shall thereafter be installed in accordance with the approved details and be available for use prior to the lake being brought into use.

Reason: In the interests of highway safety in accordance with Policies TM1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

5. Prior to the fishing lake hereby approved being brought into use, vegetation upon all parts of the northern A689 highway verge, for a distance of 160m east of the A689 farm junction shall be at a height of no greater than one metre during the period in which the development hereby approved is in use.

Reason: In the interests of highway safety in accordance with Policies TM1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

6. Prior to the commencement of development details of materials to be used for the proposed track shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, where the track passes with the root protection area of any tree, an above ground method of construction using no concrete or excavation, with an inert sub-base and be of a porous nature. The track shall thereafter only be implemented in accordance with the approved scheme.

Reason: In order to ensure the assimilation of the development into the landscape in accordance with Policies GD1, ENV1, ENV3 and TM1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.

REASONS FOR THE RECOMMENDATION

- I. The proposed development is considered acceptable having regard to Policies GD1, ENV1, ENV3, TM1, and T1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- II. More specifically, this proposal would be capable of being absorbed into the landscape, would be easily accessible and would not unreasonably impact upon the amenities of local residents.
- III. No objections have been raised to this proposal.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1, PPS4, PPS5, PPS9, PPG13, PPG17, PPS23, PPG25
- Consultation Responses
- Public Consultation Responses
- Regional Spatial Strategy for the North East