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## APPLICATION DETAILS

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APPLICATION NO:	3/2012/0251
FULL APPLICATION DESCRIPTION:	<b>FORMATION OF NEW FOOTPATH</b>
NAME OF APPLICANT:	DURHAM COUNTY COUNCIL
ADDRESS:	LAND BETWEEN STANHOPE STATION AND WEAR TERRACE, STANHOPE, BISHOP AUCKLAND,
ELECTORAL DIVISION:	WEARDALE
CASE OFFICER:	<b>Adam Williamson</b> Planning Officer 03000 260826 adam.williamson@durham.gov.uk

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### The site

1. The application site consists of an area of land between Bondisle Way and The Butts, Stanhope. The site runs along the northern side of the existing Weardale Railway line. The site is entered from Bondisle Way via a kissing gate, with the proposed footpath running west towards Wear Terrace, where there is another kissing gate. The proposed footpath would run along the southern boundary of Sycamore House, which is a detached dwelling set within a large garden, and adjacent to an existing allotment site on Bondisle Way. The proposed footpath route would link to an existing public right of way running along Wear Terrace, over the railway line and continuing south east through a field. The site lies outside of the Stanhope Conservation Area.

### The proposal

2. Planning permission is sought for the formation of a new footpath to create a shared use path for walkers and cyclists in order to better link Stanhope Railway Station to the central local facilities and services in Stanhope. The proposed route via the Butts would enter the town close to the main shopping area and Market Place. The footpath would measure 132 metres in length and would have a maximum width of 1.5 metres. It would be constructed from a base of terram, road planings (150mm depth) and whinstone dust surface (20mm depth). It is also proposed as part of the scheme to erect a 2.4 metre high close boarded timber fence for 4.5 metres length adjacent to Sycamore House. Other minor works would include a 1.2 metre high stockproof fence along the railway side of the proposed footpath; replacing the existing 1.4 metre high railings with like for like railings; and replacing the metal kissing gates with timber wicket gates. The scheme does not include any lighting. Part of the works are retrospective because the formation of a ramp at the kissing gate to Wear Terrace, including a retaining wall had already commenced, but those works have stopped pending the outcome of this application.
  3. This application has been called to Committee by Cllr Shuttleworth who has stated *"The logistics of Butts Bank at Stanhope are the same or even worse than the one at Bondisle Way, and the access road/ path at Wear Terrace are not easily accessible."*
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## **PLANNING HISTORY**

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4. There is no planning history relevant to the determination of this application.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act.
6. Chapter 3 encourages support for rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.
7. Chapter 4 encourages safe and suitable access for all people with the aim to minimise conflict between traffic and pedestrians or cyclists.
8. Chapter 8 seeks enhancement of public rights of way and access and encourages Local authorities to seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

### **REGIONAL PLANNING POLICY**

9. *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.
  10. 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 nevertheless considered relevant;
  11. Policy 8 – Protecting and Enhancing the Environment states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.
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## LOCAL PLAN POLICY:

12. 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:

13. **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. Development should not conflict with adjoining uses. Priority should be given to pedestrians and cyclists and links should be provided into the local footpath and cycleway networks where practicable.

*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>.*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

14. *Durham Constabulary* has commented that generally they would be concerned about creating a footpath alongside a residential property, as such links can generate crime and anti social behaviour, however they believe it is not true in this case. There is a danger that young people will loiter on a footpath and create nuisance, however there is no evidence of the area having been abused in this way and as Stanhope is a low crime area, and there is no reason to believe the footpath would exacerbate this.

15. *The Weardale Visitor Network* support the scheme.

16. *Weardale Railway* support the scheme.

17. *Stanhope Parish Council* support the proposal.

### INTERNAL CONSULTEE RESPONSES:

18. The *Ecology Section* have no objections to the proposal, but any site clearance such as shrubs or trees should be done outside the bird nesting season.

### PUBLIC RESPONSES:

19. A site notice has been posted. A petition of objection containing 9 signatures from the residents of Wear Terrace has been submitted. Concern is expressed that larger numbers of people will now use the public footpath which runs to the west of Wear Terrace (because the proposed path would link to it) and this will directly affect the quality of life for the residents of Wear Terrace. There is also concern that the high fence adjacent to Sycamore House will encourage anti social behaviour. The part retrospective nature of the development has also been highlighted. Other concerns are raised about loss of trees along the railway line and the effect on bats.

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## APPLICANTS STATEMENT:

20. The proposed footpath link was identified as one of the actions in the Stanhope Destination Development Plan (DDP).
21. *5.1: New footpath link from station along to Butts creating circular route and linking proposed new car park.*
22. The development of a footpath link in this area was identified as part of the Transport and Access Study for Stanhope (2009). An action/recommendation in this study stated *“Investigate land ownership of the area between the Weardale rail line and Sycamore House between Bondisle Way and Wear Terrace and negotiate a suitable and safe pedestrian footpath between the 2 locations.”*
23. Although this action, and the DDP action, are linked to a proposed car park in Stanhope they still both identify a need to link Stanhope Station to the town via a more accessible route.
24. As part of a review of the DDP in September 2011 the Stanhope Steering Group agreed that the proposed footpath link was still a vital element of the DDP. The footpath will improve linkages in the town by providing a more accessible route for local residents and visitors alike.
25. The proposed footpath link will have an entrance/exit point at Wear Terrace. The footpath which runs adjacent to the properties at Wear Terrace is already a public right of way. The proposed footpath link will provide a more direct route to access this area.
26. Weardale Railway has been improving the link between Stanhope Station and Bishop Auckland Station to encourage people to explore Weardale and the surrounding towns. To date £2,186,743.38 has been spent on improving the line to Bishop Auckland. An additional £120,855.98 has been spent on the Bishop Auckland platform and £14,170.83 on the engine release.
27. Work has also taken place in Wolsingham in relation to the coal depot. The coal depot weigh bridge cost £49,560.78 whilst the Wolsingham terminal cost Weardale Railway £717,783.83.
28. The total cost of improvement work to Weardale Railway, in relation to the work at Bishop Auckland and Wolsingham, is £3,089,114.80. This investment shows Weardale Railway's commitment to the area and supporting the tourism agenda and local economy.
29. To capitalise on the improvement work Durham County Council delivered a scheme to improve the car parking area to the front of the building and improve signage and lighting. Project cost was met by the Stanhope DDP, Neighbourhood Services and the Local Area Programme fund.

*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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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30. 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, visual impact and residential amenity

### Principle of Development

31. The development of a footpath link in this area was identified through the Transport and Access Study for Stanhope (2009). This study identified best practice for the management of all forms of traffic in the town, and made recommendations for improvements to resolve issues around long and short-stay car parking, coach drop off and parking, mobility scooter management, walking and cycling, and rural transport integration. An action/ recommendation in this study stated *“Investigate land ownership of the area between the Weardale rail line and Sycamore House between Bondisle Way and Wear Terrace and negotiate a suitable and safe pedestrian footpath between the 2 locations.”*
32. The creation of this footpath is also a key action in the Stanhope Destination Development Plan (DDP). The Destination Development Plan for Stanhope sets out agreed common priorities for developing and promoting Stanhope as a destination market town within Weardale, the Durham Dales and County Durham. The document was compiled by working with tourism businesses, local groups and organisations as well as the then Wear Valley District Council and County Durham Tourism Partnership. A workshop was held in early March 2009 and was attended by a wide range of local businesses and partners involved in tourism. The attendees discussed the key elements of the Destination Development Plan, and the vision for Stanhope as a destination. The resulting action 5.1 of the Stanhope Destination Development Plan states:
33. *5.1: New footpath link from station along to Butts creating circular route and linking proposed new car park.*
34. In 2011 the Stanhope Steering Group carried out a review of the DDP and agreed that the proposed footpath link was still necessary to improve linkages between the Stanhope Railway Station and the town centre. There has been significant financial investment in the railway line from Weardale Railway and funding partners, and as a result, there is a recognised opportunity to both encourage visitor movement from the station to the town centre, as well as to encourage more use of the railway station to explore Weardale and the nearby towns linked by the railway. The need for the new footpath link has therefore been well considered and fits with the NPPF aims to support rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.
35. In terms of the logistics and amenity of the route, the station is currently accessed from the A689 down Bondisle Way, which lies to the east of the town centre and is a route of approximately 740m to the market place. This route is mostly along the A689 and passes a large factory on Bondisle Way. The amenity of this route is not therefore particularly high. The proposed new footpath route would link the station up with the existing public footpath to the rear of Wear Terrace, which itself links to The Butts and then up to the market place and is a route of approximately 616m. It would also link to
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the rest of the public footpath network in the area. Travelling up a hill will always be unavoidable because of the topography between the station and town centre, which to some extent limits access for all, but the proposed route would be shorter than the existing, well surfaced and it would take a more pleasant route to the market place than the current route, avoiding the long stretch along the A689. The existing route is entirely along roads which accommodate vehicular traffic, while the new route would largely avoid vehicular traffic. The proposed new route would therefore provide a useful alternative route to/from the town centre and the existing route would of course remain for continued use from that side of the town. The proposal therefore fits with the aims of the NPPF to improve accessibility and adding links to existing rights of way networks in ways which minimise conflict between traffic and pedestrians or cyclists. These aims are repeated in Local Plan Policy GD1.

36. It is therefore considered that this new proposed footpath route would provide a welcome new link between the town centre, the riverside walk and the railway station, improving access between the station and town centre. This is viewed as a positive for the businesses within the town, users of the railway and operation of the Railway. It is therefore considered that the principle of development is considered acceptable, and in accordance with Local Plan policy GD1, as well as the NPPF.

#### Visual impact

37. The proposed path at just 132m long and 1.5m wide would be a fairly small scale development linking two existing paths. It would follow a line directly adjacent to the railway line and would be surfaced with appropriate materials typical for a multi user path, and would not therefore appear intrusive within the wider landscape. The proposal therefore accords with Local Plan policy GD1 in this respect.

#### Residential amenity

38. The proposed footpath would run along the southern boundary of Sycamore House where it would link to the existing public right of way which passes to the west of Wear Terrace and the path at Bondisle Way. Because of a 200mm site level difference where the path would join the right of way at Wear terrace, it has been necessary to provide a shallow ramped gradient to enable people with push chairs/prams and possibly wheelchairs to use the path. As a result, a small section of the footpath would rise to 200mm higher at this point, potentially increasing the ability to look over the 1.8m high fence of Sycamore House there. To mitigate against this, the application includes the raising of the height of the existing close boarded fence at this point to 2.4 metres in height in order to retain a fence height of 1.8m above the footpath ramp for a distance of 4.5m. Sycamore House has a large curtilage and this element of the scheme would be at the far western corner of the curtilage. Because of this and with the increase in the height of the fence, it is considered that the residential amenity of the occupiers of Sycamore House will not be unacceptably affected at this point. It is acknowledged that the proposed footpath would result in members of the public walking along the southern boundary of Sycamore House. However, the close boarded timber fence separates the property from the proposed footpath and there is already a railway line in use as well as an existing public footpath in the field across the railway line. It is therefore considered that the level of additional disturbance that may be caused by users of the footpath would not be of a level to justify a refusal in this respect. The residents of Wear Terrace have also raised concerns that the proposal would lead to an increase in people using the existing Wear Terrace footpath which would have an impact on their quality of life. The aim of the proposal is clearly to increase the footfall between the station and town centre and in this respect it is likely that the use of the footpath will increase. It is
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however an existing footpath which allows the uncontrolled, free flow of people and the use of footpaths should be encouraged, not discouraged. Notwithstanding this, the level of use is unlikely to be so great that there would be an unacceptable impact the living conditions of the occupants of Wear Terrace. The impact of the development on neighbouring properties is not therefore of sufficient weight to justify refusal of a proposal that would have wider public benefits to the town and operation of the railway. The proposal therefore accords with policy GD1 of the Wear Valley District Local Plan.

## Other Issues

39. Concerns have been expressed that the proposal, particularly the increase in the height of a section of the fence to 2.4 metres, would result in anti- social behaviour. Durham Constabulary were consulted and their view is that the development itself would not necessarily be the cause or lead to increased risk of crime or anti social behaviour. If there are already anti social issues in the area, this falls under the control of the police. These concerns are not therefore of sufficient weight to justify refusal of the application.
40. The fact that parts of this application are retrospective is not a material planning consideration. Private covenants are also not a material planning consideration.
41. Concerns have also been raised over the loss of trees along the railway line. The tree works were carried out by the Railway and are not related to this proposal. The Railway operator has statutory undertaker rights, but in any case the trees were outside the conservation area and not protected by tree preservation order. As such the planning process had no control over the tree felling. It would be the responsibility of the persons who carried out the tree works to ensure an offence in respect of works that may affect protected species has not been committed.
42. The Ecology section has given standard advice that site clearance and removal of trees or shrubs should take place outside the bird breeding season. This can be included as an informative.

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## **CONCLUSION**

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1. The proposed footpath would provide a shorter, improved link between the town centre and the railway station and would hopefully encourage railway users to visit the town, as well as hopefully encouraging greater use of the railway from the town. The proposal would therefore be to the benefit of existing businesses, the local community and visitors.
  2. The proposed path would not have an unacceptable impact on the character or appearance of the surrounding area, and would not lead to an unacceptable impact upon the residential amenity of nearby residential properties.
  3. The issues of objections raised are not considered to be sufficient reasons to refuse the application.
  4. It is therefore considered that the application is in accordance with the provisions of relevant national, regional and local plan policies.
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## **RECOMMENDATION**

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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 approved shall be carried out in strict accordance with the following approved plans:-

Plan	Reference Number	Date received
Red line plan	1	27.06.2012
Fencing Alteration	032092/WVD/01	15.06.2012
Path cross section	Q9	15.06.2012

*Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

## **INFORMATIVE**

Any clearance such a shrubs or trees should be done outside the bird nesting season (March to September).

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## **REASONS FOR THE RECOMMENDATION**

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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 footpath would provide a shorter, improved link between the town centre and the railway station to the benefit of existing businesses, the local community and visitors.
  3. The proposed path would not have an unacceptable impact on the character or appearance of the surrounding area, and would not lead to an unacceptable impact upon the residential amenity of nearby residential properties.
  4. The concerns of objectors have been considered but are not considered to carry sufficient weight so as to justify the refusal of the application.
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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

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

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Consultation responses

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