

## COMMITTEE REPORT

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### APPLICATION DETAILS

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**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  
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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### 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 (10<sup>th</sup> 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.

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## **PLANNING HISTORY**

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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.

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## **PLANNING POLICY**

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### **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
  - 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>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **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.

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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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 17<sup>th</sup> November and the 7<sup>th</sup> and 14<sup>th</sup> 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.

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## **CONCLUSION**

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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.



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## **RECOMMENDATION**

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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.

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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 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.

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## **BACKGROUND PAPERS**

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- 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