

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00619/FPA
FULL APPLICATION DESCRIPTION:	Erection of indoor riding arena and associated landscaping
NAME OF APPLICANT:	Mrs Susan Mordey Finchale View Riding School
ADDRESS:	Pit House Lane Leamside Durham
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Steven Pilkington, Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is located within the North Durham Green Belt to the north of the village of Leamside. The site is surrounded by open fields to the north, east and west of the site while residential dwellings are located to the south west. Access to the site is provided off Pithouse Lane which serves an existing stable building which has a lawful use as a livery and riding school.
2. It is proposed to erect an indoor riding arena measuring 29 m in width by 49m in length, a pitched roof at a height of 9m, 4.5m to eaves, is proposed. The building will represent an expansion of an existing equestrian business on site. It is proposed that the building will be constructed from steel profile sheeting, coloured Jupiter Green, while a landscaping bund is proposed to the southern elevation.
3. This application is being reported to Planning Committee at the request of the Local Councillor Guy the Ward Councillor for the Sherburn area.

PLANNING HISTORY

4. Change of use of land and buildings from livery yard to use as livery yard and riding school – Approved 2008
5. Erection of building containing 8 stables, 2 isolation units, tractor store, tack room and secure store, creation of horse arena, erection of two field shelters, erection of muck heap, creation of parking area, demolition of existing kitchen and garage to side of existing dwelling and erection of single storey extensions to front and rear and creation of associated access in connection with proposed livery business – Approved 2006

PLANNING POLICY

NATIONAL POLICY

6. 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 under three topic headings – economic, social and environmental, each mutually dependant.
7. 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’ .
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. NPPF Part 1 – Building a strong, competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. NPPF Part 3 – Supporting a prosperous rural economy. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
12. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. NPPF Part 8 – Promoting Healthy Communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible, Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. NPPF Part 9 - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
15. NPPF Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land

instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

LOCAL PLAN POLICY:

16. Saved Policy E1 – *Durham City Green Belt* - Sets out that within the defined Green Belt the construction of new buildings is considered inappropriate unless it is for agricultural or forestry activities, essential sport and recreation facilities, replacement of an existing dwelling and the re-use conversion of an existing building.
17. Saved Policy E7 – *Development Outside Settlement Boundaries* – Seeks to limit new development in the open countryside
18. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
19. Saved Policy EMP17 – *Farm Diversification* – Sets out that where planning permission is required for farm diversification (including the change of use of farmland) development proposals should have an acceptable effect upon the amenity, character or appearance of the countryside, protect the amenity of neighbouring land users and be accessible by satisfactory access arrangements.
20. Saved Policy R16 – *Establishment of equestrian facilities* – Identifies that the establishments of equestrian facilities in the countryside will be permitted provided that the facilities are of an appropriate scale and do not detract from the landscape.
21. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
22. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.
23. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.

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:

24. Highways – Offer no objections to the scheme

INTERNAL CONSULTEE RESPONSES:

25. Coal Authority – Withdraw a previous objection following a revision to the siting of the building.

26. Landscape – Raise no objections to the scheme, advising that the building would have an acceptable visual impact on the wider green belt subject to the detailing of a landscaping mound as indication on the submitted site plan..
27. Northumbrian Water – Raise no objections following the submission of amended plans.
28. Rights of Way Officer – Considers that an adjacent Public Right of Way would be unaffected.
29. Environmental Health Officer – Offers no objections
30. Drainage Officer – No Response Received
31. Energy Officer – Verbally advised that a condition should be attached to require energy reduction.

PUBLIC RESPONSES:

32. Neighbouring residents have been notified by individual notification letters and site notice, 1 letter of objection has been received in relation the visual impact of the building on the surrounding landscape.

APPLICANTS STATEMENT:

33. The development will relate to an expansion of existing operations on site which provide riding lessons including dressage and jumping and would allow the continuation of this on a year round basis, less dependant on weather. The size of the building is necessary so that exercise and lessons are not restricted to walking.
34. Specific consideration has been given to the appearance of the building, where it is proposed that it would be coloured Jupiter Green, helping it blend into the landscape. A landscaping mound is also proposed which would again reduce the impact of the building.
35. A public consultation was held prior to the submission of the application, where local residents were invited to view a model of the scheme to where no adverse comments were made.

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://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=MP9MJ3BN08Y00

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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 principal material planning considerations raised relate to the principle of development, impact on the visual amenity and openness of Green Belt, impact on amenity of neighbouring residents, highways safety and ecological interests.

The Principle of Development

37. The application site is located within the open countryside and within the North Durham Green Belt, as defined in the Durham City Local Plan Proposals Map. Saved policy E1 of the Local Plan seeks to limit inappropriate development within the Green Belt to protect its purpose, visual amenity and openness. Policy E1 considers all development is inappropriate unless it is for agricultural purposes or essential sport and recreation facilities which preserve the openness of the Green Belt. This principle of resisting inappropriate development within the Green Belt is also embodied within the NPPF while highlighting that the provision of appropriate facilities for outdoor recreation is acceptable providing that it preserves the openness of the Green Belt.
38. Saved Policy R16 of the Local Plan recognises the need to provide for the growth in horse riding as a leisure pursuit, identifying that facilities should be located so that they are accessible from urban areas while requiring all new facilities to have an acceptable impact on the open countryside. In addition to seeking to prevent inappropriate development within the Green Belt the NPPF seeks to support existing businesses including the diversification, this is replicated in saved policy EMP17 of the Local Plan which also recognises the importance of established employment and businesses within the countryside.
39. In assessing the proposed scheme against the above policy context, it is considered that the development would represent an expansion and further investment in an established rural enterprise which provides a recognised sporting and recreational function within close proximity to Durham City. The development is therefore not considered to be 'inappropriate development' within the Green Belt as defined by saved policy E1 of the Local Plan and part 9 of the NPPF . Providing that the development preserves the openness and visual amenity of the Green Belt as assessed in detail below, the development is considered acceptable in principle

Impact on openness and visual amenity of Green Belt

40. As set out above the application site is located within the North Durham Green Belt, which in this location is characterised by open fields of agricultural appearance, bordering on to the settlement limits of Leamside. In considering the impact of the development on the Green Belt consultation has been held with the Council's Landscape Officer who has appraised the impact of the development on the surrounding landscape, namely on the openness of the Green Belt in this location.
41. The Landscape Officer advises that the building will preserve the openness of the Green Belt in this location as the building will only be briefly visible from Station Road (within the settlement limits of Leamside), where it raises up and crosses a railway line. It is however advised that any visual impact of the arena would be mitigated through the introduction of an undulating landscape mound and the proposed colour which would help the structure blend into the wider landscape. The Landscape Officer also considers that when viewed from Pit House Lane the proposed building would have limited visibility due to existing mature hedgerows, its colour and as the building would be set against the backdrop of higher ground. When viewed from the wider Green Belt to the north of the site the building would be seen against the existing backdrop of Leamside, again against higher land and would not create an incongruous feature or appear to represent an incursion into the wider Green Belt.
42. One letter of objection has been raised from a local resident outlining concerns regarding the potential impact of the building and the cumulative impact of a second large building in the area (located off Cocken Road, adjacent the A1(M)). Consideration has been given to this matter, however given the separation distance of 450m, the screening provided by mature hedgerows and the embankment of Cocken Road the buildings would not be seen in the same context. Any cumulative impact is therefore considered to be minimal and the

resultant visual impact acceptable. The proposed barn will also have a softer appearance, due to its colour and landscaping, than the erected building.

43. Overall after visiting the site, considering the submitted plans and taking into account the views of the Landscape Officer, it is considered that the proposed development would have an acceptable impact on the openness, character and visual amenity of the surrounding Green Belt and Open Countryside. It is however recommended to control the details of the landscaping area, the proposed materials and final colour of the building while restricting the erection of external lighting.

Impact on amenity of adjacent landusers

44. Saved policy EMP17 requires that proposals which involve farm diversification should not have an adverse effect upon the amenity of the occupiers of nearby properties. The proposed development would be located approximately 40m east of the residential property of no.12 Pithouse Lane. Given the proximity and scale of the proposed building the outlook of this property will be reduced. However after visiting the site, it is considered that although the outlook would be reduced, a significant overbearing effect or shading effect would not arise, particularly in considering the proposed landscaping scheme which will help soften and screen the appearance of the development. This reduced outlook is therefore not considered sufficient to warrant refusal of the application.
45. The proposed scheme also has the potential to increase the noise and smells generated from the site. However after reviewing the development in this context the council's Environmental Health Unit raise no objections to the scheme and advise that the scheme is unlikely to lead to any nuisance.

Highway Safety

46. The application site is currently served by an access taken off Pithouse Lane, these access arrangements are proposed to remain unchanged, to which the Highways Authority raise no objections.

Ecology

47. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance after visiting the site and noting the existing intensive equestrian uses on site, including the presence of two ménages, vehicle hardstanding and grazing land it is considered unlikely that there would be any loss of habitat for species especially protected by law. Therefore overall it is considered the granting of Planning Permission would not constitute a breach of the Conservation Habitats,& Species Regulations 2010

Other Issues

48. The proposed building is located in close proximity to existing coal mining features and hazards. The Coal Authority previously objected to the location of the building due to the location to these features and the lack of a risk assessment. However following the receipt of amended plans altering the siting of the proposed building away from these identified features the Coal Authority have removed their objection. It is therefore considered unlikely that the building would be affected by potential unstable land.
49. Saved policy U8a of the Local Plan requires consideration be given to issues regarding flooding particularly from surface water run off. No details have been submitted in relation to the proposed means of drainage from the site, including foul drainage. In order to

address this issue it is recommended to place a condition on approval requiring a scheme to deal with wastewater and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3.

50. The development is classed as a 'major application' based on the floor area of the development. The NPPF seeks to minimise energy consumption and incorporate renewable technologies within the site. However after discussing the matter with the council's Sustainable Energy Officer it is considered that given the nature of the development it would not be appropriate to apply the same energy reduction standards and target as a more commercially intensive building, provided more general improvements are made through the scheme. A condition detailing this is set out below.

CONCLUSION

51. The proposed scheme has been assessed against the policy documents identified above. It is considered that the proposal conforms to these policies, as the scheme will have an acceptable impact on the visual amenity, character and openness of the wider Green Belt, while not significantly impacting on the amenity of neighbouring residents and highway safety. There are no material planning considerations, which indicate a decision should be otherwise and therefore the proposal is 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- Imposition to be required 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:-
Proposed Elevations, Received 1st July 2013
Proposed Layout, Received 9th August 2013

Reason:- In order to define the consent and to accord with saved policies, E1, E7, R16, T1 and Q5 of the Durham City Local Plan

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Green Belt in accordance with the provisions policies E1 E7, R16, and Q5 of the Durham City Local Plan.

4. The hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site, the scheme shall provide and detail for:-

- The formation of a landscaping bund.
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the proposed landscaping bund,
- Full details of any hard standing proposed making provision for permeable surfacing
- The retention and protection of existing vegetation on site.

The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Green Belt in accordance with the provisions policies E1 E7, R16 and Q5 of the Durham City Local Plan.

5. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details thereafter.

Reason: In the interest of the adequate disposal of foul and surface water in accordance with Policy U8a of the Durham City local Plan.

6. Notwithstanding the submitted information, no external lighting units shall be erected on the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the visual amenity, character and openness of the Green Belt, in accordance with policies E, E7 and R16 of the Durham City Local Plan

7. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained as such while the building is in existence.

Reason - In the interests of sustainable construction, and efficient use of resources in accordance with part 10 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

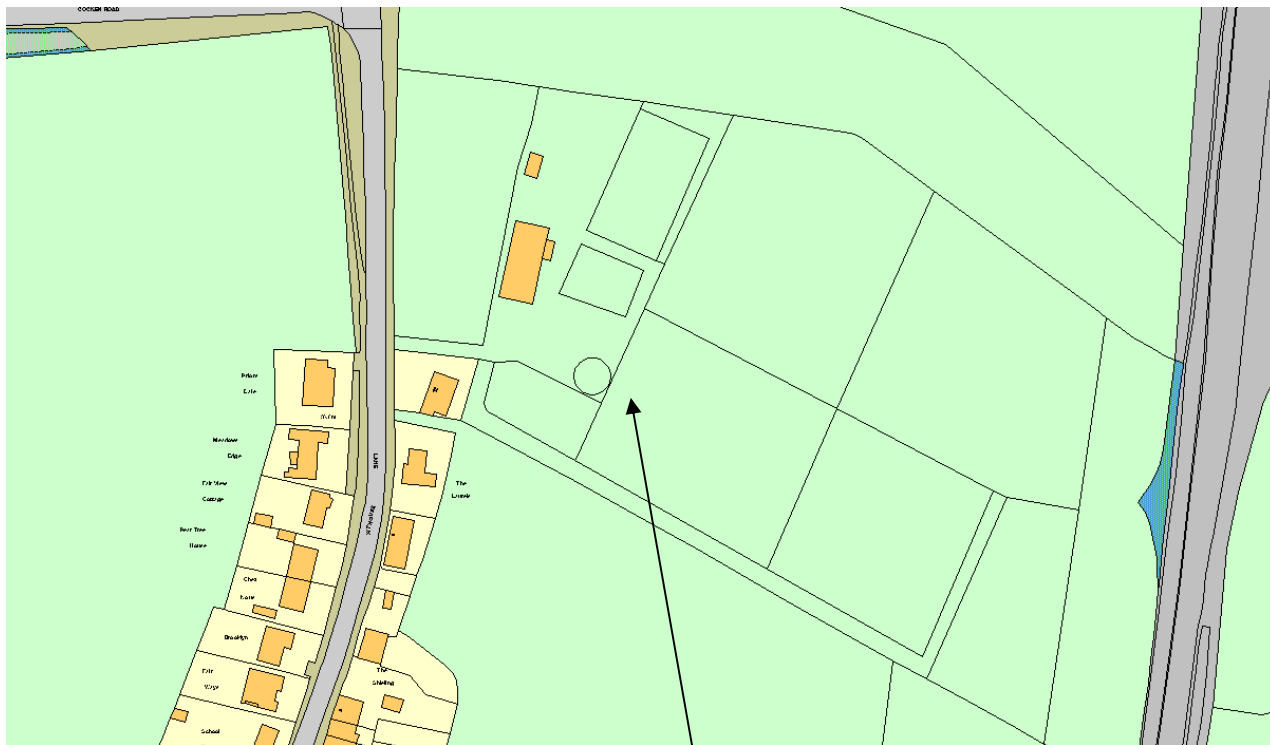
52. In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 Response from Highway Authority

Response from Landscape Officer
Response from Environmental Health
Response from Public Rights of Way Officer
Response from Coal Authority

Committee Report - Version 8 – Effective 25.6.13



Application Site



Planning Services

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Comments

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