
APPLICATION DETAILS

APPLICATION NO:	3/2013/0372
FULL APPLICATION DESCRIPTION:	Improvements to field access and 33 days use of the field for parking (part retrospective)
NAME OF APPLICANT:	Mr Mike Fairburn, Weardale Railway
ADDRESS:	Bondisle playing field Bondisle Way, Stanhope, Bishop Auckland, DL13 2YS
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies to the south and across the railway line from the residential estate of Bondisle Way, Stanhope, and is a grassed area that forms part of the Bondisle playing fields (but not including the football pitch).
2. The site lies outside of the Stanhope conservation area, but it is within the Area of Landscape Value (ALV). There are no public footpaths within or immediately adjacent to the site, but there is a footpath running through the field to the south and another further to the south east, which crosses the railway line over the foot bridge.

The Proposal

3. Part retrospective planning permission is sought for the use of the land as a temporary car park for 33 days in association with the Weardale Railway Polar Express event, and the retention of access improvement works in the form of a kerbed hardcore surface, which has been constructed at the field entrance.
4. The Polar Express event is a themed Christmas event, which takes visitors by train from the railway station at Stanhope to a north pole village set located near the Harperley Prisoner of War Camp. This is the second year the event has been run and this year is taking place on 33 days between 15 November and 29 December. The event proved very popular last year having sold 36,000 tickets, and this year, at this time, has sold over 39,000 of the 40,000 tickets expected to be sold.
5. With the large amount of visitors there is a need for a dedicated parking area near the departure station. The application site was used last year for this purpose on a lesser number of days using permitted development rights, however the number of event days (33) now exceeds the 28 days permitted development allowance, hence

the need to make an application this year. The parking area has capacity for approximately 180-200 cars and the grass has been protected with a temporary Grassprotecta matting, with an additional DuraDeck matting for the feed in lanes, which will be removed at the end of the event in January. The hardcore surface at the field entrance is intended to remain permanently.

6. The application has been called to Committee by Cllr Shuttleworth because of concerns about the traffic impact on residents of Bondisle Way.

PLANNING HISTORY

7. There was an application made on the site in 2009 for the creation of a permanent car park for playing field users (3/2009/0555), but that was never progressed and was eventually withdrawn. That application was not related to the current proposal.

PLANNING POLICY

NATIONAL POLICY

8. 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. 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 NPPF can be accessed at:

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

LOCAL PLAN POLICY:

9. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

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.

Policy ENV3 (Area of landscape Value):

Development will not be allowed which adversely affects the special landscape character of the ALV.

Policy TM1 (Tourist Proposals):

The Council will encourage schemes which provide tourism facilities provided they are of a scale compatible with their surrounds, safeguard the landscape, can be accessed safely, do not lead to unacceptable levels of traffic and do not impact on the amenities of local residents.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

10. *The Highways Authority* is aware that there were some traffic delays at last year's event, but the failings have been acknowledged by Weardale Railway and they have taken advice from the DCC Highway Design team as regards surfacing and improved access (including widening the width of the highway before it crosses the railway to permit two way vehicle passage). While there may still be some delays, the event is temporary and the alternative without dedicated parking provision would be parking in Bondisle Way to a greater inconvenience to residents. The proposed access work improvements, temporary event duration, and train timings would make it difficult to sustain a refusal. The success of these events also relies on adequate marshalling and it is incumbent on the Railway to ensure this occurs in practice.

11. *Stanhope Parish Council* did not submit any comments.

INTERNAL CONSULTEE RESPONSES:

11. *Culture and Sport* are content that the measures will improve access to the playing fields. Further discussions with the Culture and Sport Section have confirmed that there are sufficient provisions in the license agreement for use of the land to protect the playing pitch with Heras fencing; secure reinstatement of the land after the event; remove litter; and to indemnify the Council (landowner) and Football Club against any damages or other liability arising in any way as a result the Football Club's normal use of the adjacent football pitch. It is also understood that any Saturday football games during this period will begin at 1pm and therefore be finished by 3pm before the 3.30pm train to avoid conflicts of use.
12. *Business Durham* support the application noting that the parking is being provided to facilitate the Polar Express event delivered by the Weardale Railway, which has the potential to bring significant economic benefits to local businesses, such as providers of accommodation, in addition to the seasonal jobs that are also created.
13. *Visit County Durham* has confirmed that they help with the promotion of the event, including promotion on their official tourism website, and that it is a large annual event for the County.

PUBLIC RESPONSES:

14. The application has been extensively publicised by site notice, press notice and letters sent to all residents of Bondisle Way. 9 letters of objection and one letter of support have been received as a result of this publicity.
15. In summary, the main reasons of objection are to do with the inconvenience and danger to local residents of Bondisle Way from the amount of traffic entering and leaving the parking area and displacement of on-street parking for residents. Other concerns relate to the temporary loss of use of the playing fields as a leisure facility, pollution and litter, and the state the field was left in after last years event. There have also been concerns expressed over the retrospective nature of the application, that Weardale Railway did not consult with local residents, blocking of a public right of way, access for emergency services and road cleaning.

16. The letter of support states that the field could be used to aid car parking in Stanhope when football matches are played on the field and for increased provision when tourists visit the town.
17. Outside of the application process the Council has also received a separate petition with 39 signatures similarly raising concerns about the management of traffic, access for emergency services, parking restrictions, pedestrian routes from the parking to the station and lack of consultation with residents.

APPLICANTS STATEMENT:

18. The Polar Express is one of six official events held in both the United States and England. Weardale is the second most popular after Texas State Railway in the United States. The event brings economic benefits to the local area by increasing trade for accommodation and food and drink businesses, in addition to creating seasonal jobs.
19. However, it is recognised that the number of visitors to the event can have an impact upon local residents. In recognition of this, the Weardale Railway has invested in infrastructure improvements to parking arrangements and a number of actions are being undertaken to alleviate the problems that were experienced last year.

PLANNING CONSIDERATIONS AND ASSESSMENT

20. 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, impact on the appearance of the area, and highways issues.

Principle of Development

21. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Local Plan policies should still be given weight where they accord with the aims of the NPPF.
22. NPPF paragraph 7 explains that sustainable development is not just about the environmental dimension, it also includes an economic role contributing to building a strong, responsive and competitive economy, as well as a social role supporting strong, vibrant communities. In paragraph 19 of the NPPF it says the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In addition NPPF paragraph 28 says there should be support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors.
23. Wear Valley Local Plan Policy TM1 is similarly worded very positively towards tourism proposals and says the Council will give encouragement to schemes which provide tourism facilities in the District, provided a number of criteria are met in terms of impact on the surrounding area and landscape, as well as ensuring the development would have acceptable highway safety and amenity impacts. The supporting text acknowledges the important role of tourism in the economic regeneration of the NE and that tourism not only provides jobs directly, but also helps to support a much larger number of jobs indirectly.

24. The application is not for the Polar Express event itself, but for practical and safety reasons the event could not operate without suitable parking provision, including access improvements to the parking area. There is therefore a direct relationship between the proposed parking area and the event in considering the principle of development. The event has proved extremely popular with 36,000 tickets sold last year and nearly 40,000 tickets sold for the present attraction. The event is supported by Business Durham and Visit County Durham, and appears on the official Visit County Durham website. While not of the scale of headline events like the Lumiere (170,000 visitors), or Lindisfarne Gospels (100,000 visitors) it is still one of the largest annual events in the County. It clearly attracts a large number of visitors to the Dales, creates around 60 temporary jobs during the event, and is likely to have significant direct and indirect economic spinoff for local businesses.
25. It is noted that the site forms part of the wider Bondisle Way Playing Fields area, but it does not include the playing pitch itself and therefore Wear Valley Local Plan Policy RL2, which protects playing fields, does not apply. However, NPPF paragraph 74 takes a wider view and says that in addition to playing fields, open space and recreational land should not be built on. The application site can be considered open space or recreational land, although not formally designated.
26. In taking into account the impact on the recreational land, there are 2 elements to the proposal to consider: use of the site for parking on 33 days, and the retention of the kerbed hardsurface at the field entrance.
27. The use of the majority of the site does not involve any permanent building work and therefore the temporary car parking use does not conflict with the provision of the NPPF. It is nevertheless acknowledged that there will be a general impact on amenity because while the parking takes place it will result in loss of the site for informal leisure use and this is something raised in a number of objections. This will however, only be for a period of 33 days, and only from the afternoon and evening when in use, although the matting may discourage use generally. It is also a time of year when the use of the site is normally lowest because of ground conditions and dark evenings. This temporary interruption to normal use of the site is considered to be outweighed by the significant economic and tourism benefits brought by the event. The fact that the land could be used in any case for up to 28 days under permitted development rights is also a factor that carries significant weight in coming to this conclusion, as the proposed use is for just 5 additional days. The Culture and Sport Section are also satisfied that the football club's use of the playing pitch will not be compromised by the event parking with suitable protection having been erected around the pitch, consideration given to Saturday kick off times during this period and legal agreement on indemnity.
28. While the hardsurface at the field entrance is intended to remain permanently, it is not on land that is capable of being used as a playing pitch, or with any significant potential for general amenity use, because it lies between 2 field entrances and is a passageway for vehicles, not just entering this field, but the field beyond and the adjacent allotments. For this reason the formation of the hardsurface does not conflict with paragraph 74 of the NPPF. The Culture and Sport Section also note that after the event, the access improvement will be beneficial to users of the playing pitch.
29. Taking all these factors into account, the provision of parking and access improvements associated with a successful tourism event, notwithstanding the temporary interruption to the normal use of the site, is considered to be acceptable in

principle, subject to more detailed consideration of the impact on the surrounding area and highway safety.

Impact on the character and appearance of the surrounding area

30. The site is a grass field which is part of the Bondisle Playing Fields lying between the railway line and the River Wear. It is enclosed by dry stone walls to the north west and south west. Immediately adjacent to the north west are some allotments. Across the railway line to the north east is the residential estate of Bondisle Way, while the railway station lies slightly further south along Bondisle Way along with the large William Cook industrial premises. Further to the south across the River Wear is a large caravan site. The area can be described as the settlement fringe of Stanhope with a semi rural character. It does however fall within an area designated in the Wear Valley Local Plan as an Area of Landscape Value. The site sits at a lower level from Bondisle Way, and except for at the northern end, the railway platform and a number of trees along the railway line obscure views of the site from Bondisle Way. It is however an area with public access and use, and there are 2 public footpaths nearby.
31. The only permanent development is the hardsurfacing at the field entrance. It is approximately 39m long and 5m wide, extending to approximately 10m width at the 3 turning lanes. The presence of kerbstones gives it a more formal appearance than is perhaps ideal, but the use of a natural greystone surface material has helped assimilate it into the environment. It is viewed as an extension of the road from Bondisle Way across the railway line and given its position up against the northern field boundary and the difference in levels, it does not have a significantly harmful visual impact and is therefore in accordance with Wear Valley Local Plan Policies GD1, ENV3 and TM1.
32. The presence of protective matting and a large number of parked cars does have an effect on the character and appearance of the area, although the matting to a lesser extent because it is at least coloured green. However, it is still unnatural and not what can normally be expected in this area. The parking use does not therefore strictly accord with Wear Valley Local Plan Policies GD1, ENV3 and TM1 in respect of its visual impact. It is however a material factor that the parking and matting will be a temporary feature with the land restored to its natural condition once the event finishes. For the most part the parking will also be at times when it is dark and although there will be temporary floodlighting, the effect will still be less intrusive than during the day.
33. Concerns have been raised in the objections about the condition the land was left in last year along with litter and pollution and the Council, as landowner, was also not happy with this situation. It is a strict requirement of the Council's agreement to the use of the land this year that Weardale Railway removes the matting, all litter and carries out any repair and restoration at their cost.
34. It is therefore considered that the temporary visual impact from the parking, when balanced against the economic benefits of the event can justify permission being granted for the 33 days requested, but only on the basis that the protective surfacing is removed and the land restored.

Highways Issues

34. Wear Valley Local Plan Policies GD1, and TM1 specifically in relation to tourism proposals, require that development does not create unacceptable levels of traffic

and has safe site access. This is largely repeated in the NPPF, but paragraph 32 of the NPPF says development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

35. Weardale Railway have acknowledged that the parking arrangements at last year's event did not proceed as planned. Subsequently, advice has been sought from the Council's Highway Design Section resulting in physical improvements to the parking area access in the form of the hard surfacing at the field entrance, for which permission is now sought, and widening of the highway leading into the site. The size of the parking area has also been increased and the temporary matting has been better secured to the hardsurface at the site entrance to reduce movement. These physical works are a direct response to address problems from last year where the muddy ground conditions at the field entrance and narrowness of the entrance road contributed to the build up of traffic waiting to enter/exit the field and impacted on residents of Bondisle Way. At the time of last year's event the field entrance was nothing more than an agricultural field entrance, and as ultimately shown, was not suitable for handling the large amount of vehicles associated with the event, particularly with the steep and muddy area at the site entrance, which caused vehicles to get stuck. However, the widening of the road leading into the site and formation of the hard surface with clearly defined turning lanes leading into parking rows has improved the situation, and the Highways Authority are now satisfied with the design of the entrance arrangements.
36. In addition to these physical measures there are a number of event management procedures that Weardale Railway have had to have agreed in order to get the event signed off with the Safety Advisory Group (SAG) and prior to the Council issuing a licence for use of the land. These include having marshals on hand to direct the traffic and prevent parking in Bondisle Way; the placement of police no-waiting cones along the entire length of Bondisle Way from the A689 to the car park; agreement for the residents who park on the bend outside the bungalows to be allowed to park at the entrance to the industrial estate; agreement with Weardale Coaches for their forecourt to be used as a pick-up/drop-off point; no delaying of train departures for late customers; providing a marshalled pedestrian route from the car park to the station over the footbridge; and agreeing road cleaning arrangements with the Council. While some residents have objected to the placing of the no-waiting cones as it would also prevent their own parking on the road, the action is necessary to keep the road free of obstruction to enable smooth movement of traffic, particularly on the bend outside the bungalows and no one has a right to be able to park on the highway immediately outside their home. Suitable arrangements have been put in place for those residents to park opposite at the entrance to the industrial estate. The success of all these measures is largely incumbent on Weardale Railway to ensure they occur as promised throughout the period, but the Council and SAG are monitoring the situation during the event.
37. It is nevertheless inevitable that there will still be some inconvenience to residents in Bondisle Way because of the number of vehicles that will be entering/exiting the parking area at train departure and return times. This is more likely on the days closer to Christmas when there are 3 train departures and potentially up to 200 cars a time. However, the physical measures and event management procedures put in place should improve the situation from last year, which is a view supported by the Highways Authority. There is also a fallback position where the parking could take place without the need for permission if reduced to 28 days. The alternative of not having dedicated parking, would likely be visitors parking in Bondisle Way and the surrounding streets of Stanhope where there would be significantly greater inconvenience to residents and disruption to traffic through Stanhope. A number of

representations have suggested the parking or even the train departures could go to other locations. Weardale Railway have explained that they did consider other locations but they had to be discounted because of reasons including licensee requirements (Bishop Auckland), suitability of station facilities (Wolsingham, Frosterley), distance from the north pole set (Bishop Auckland, Eastgate), agreement with land owners (Eastgate cement works), and costs and logistics of providing shuttle bus connection (Stanhope Show Ground).

38. Therefore taking all these factors into account, the residual cumulative impact of the use of the land as parking for a temporary period of 33 days (5 days over the permitted development allowance) is not considered to be severe. Notwithstanding this, there are still issues of some uncertainty and outside of planning control in respect of the event management arrangements. The impact of both the physical and management improvement measures to the parking arrangements will be better judged at the end of the event. It is also noted that the event will be nearly finished by the time the application is considered by the Planning Committee. It is therefore considered reasonable to effectively treat this year as a trial period and accordingly, to limit the permission for the parking to this year's event only in order to allow a proper review of the improvements to be carried out after the event.

Other issues

39. Most of the objections received have commented on the fact that the proposal is retrospective. It is never advisable for development to take place without or prior to planning permission being granted, but it is not an offence and is at the developer's risk. The fact that parts of this application are retrospective is not a material planning consideration and the application must be considered on its planning merits without prejudice to the fact that the development has already taken place.
40. Any matters relating to lack of consultation by Weardale Railway with residents of Bondisle Way is a private matter, although it is agreed that developers should always consult with the affected local community. The Local Planning Authority carried out extensive notification of the planning application, exceeding the statutory requirements, which only required a site notice to be displayed. The representations received have been given consideration during the application process and addressed in this report where relevant.
41. Arrangements have been made between the Council and Weardale Railway for the road to be cleaned periodically, which should address concerns expressed about the condition of the highway.
42. One objection has claimed that a public right of way is being blocked. As has been mentioned, there are no designated public rights of way within or immediately adjacent to the site. Neither of the 2 public footpaths nearby are affected by the parking proposals.
43. Concerns were also expressed about obstruction of access for emergency services. The event has however been signed off by the Durham Safety Advisory Group (SAG) which is made up of core members from Durham County Council, Police, the Fire and Rescue Service, and Ambulance Service.

CONCLUSION

44. The proposed retention of the parking and access improvements are associated with an extremely popular tourism event which brings significant visitors and economic

benefit to the local area. The event is one of the largest of the normal annual events in the County and could not operate without dedicated parking in a location that meets the event licensee's requirements, and is cost efficient and practical. In accordance with the NPPF, the economic and tourism benefits the event brings carry significant weight when balanced against any temporary inconvenience to residents in Bondisle Way, particularly when the parking will take place for just 5 days more than is allowed under permitted development rights.

45. It is acknowledged that the parking arrangements at last year's event and site restoration did not proceed as planned, but physical improvements have been put in place at the entrance to the parking area in agreement with the Highways Authority, and in addition, event management arrangements have been agreed with the Council's Assets Section as part of the licence to use the land, and signed off by the Durham Safety Advisory Group. These measures are an improvement of the situation from last year, but nevertheless, the true effectiveness will be better judged at the end of the event. It is therefore considered reasonable to limit the permission for the parking to this year's event only in order to allow a proper review of the improvements to be carried out after the event.
46. The physical improvements to create the hardcore surface at the site entrance does not have a significantly harmful visual impact and is therefore in accordance with Wear Valley Local Plan Policies GD1, ENV3 and TM1. The presence of a large number of parked cars and protective matting does have a negative visual impact in the Area of Landscape Value, but the fact the impact is temporary, limited to just 33 days, is considered acceptable when balanced against other factors including the significant weight that must be afforded to supporting economic growth proposals, as set out in the NPPF. There are sufficient licensing arrangements in place to deal with litter removal and restoration of the land after the event. The proposal also does not conflict with the use of the playing pitch, or long term recreational use of the land.
47. The issues raised in the objections have been taken into account, but are not considered to be sufficient reasons to refuse the application, particularly when many of the issues have been dealt with under the licensing arrangements.
48. It is therefore considered that the granting of a temporary permission for the parking and permanent permission for the hardcore surfacing would be in accordance with Wear Valley Local Plan Policies GD1, ENV3 and TM1, as well as the aims of the NPPF.

RECOMMENDATION

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

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

Plan	Reference Number	Date received
Red line plan	MHD618_01WR1	16.10.2013
Engineering layout	MHD618_04	16.10.2013

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policies GD1 and ENV3 of the Wear

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

2. The parking area hereby approved shall be for 33 days use only and cease on the 31st December 2013. The Grassprotecta matting and all temporary structures and fencing associated with the use hereby approved shall be completely removed from the site by 31st January 2014.

The use of the land for parking and associated protective matting are not considered suitable for permanent retention all year in this countryside location in accordance with policies GD1, ENV3 and TM1 of the Wear Valley Local Plan as amended by the Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate applicant engagement. Advice and assistance has been provided by the Council on highways matters prior to the application being submitted to limit the impact on the local area.

BACKGROUND PAPERS

Submitted application forms, plans and supporting documents

National Planning Policy Framework

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

Representations and consultation responses



Planning Services

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Improvements to field access and 33 days use of the field for parking (Retrospective)

Comments

Bondisle Playing Field,
 Bondisle Way, Stanhope,
 County Durham, DL13 2YS

Date 29.11.2013