

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 March 2014

Page

APPLICATION REF. NO:	14/00026/FUL
STATUTORY DECISION DATE:	5 March 2014
WARD/PARISH:	PIERREMONT
LOCATION:	Bowling Green, Bowling Green Dene, Bartlett Street Darlington
DESCRIPTION:	Siting of up to 10 No bee hives within an enclosed area
APPLICANT:	Director Of Resources

APPLICATION AND SITE DESCRIPTION

The application site is a bowling green within the Dene which is enclosed by a security fence approximately 2.1m high and is owned by Darlington Borough Council. The Darlington Park Bowls Association has vacated the site and it is currently unused. The site contains the bowling green, hard standing areas and footpaths, benches and a brick built storage building.

The Council has been approached by the Darlington Bee Keepers Association (DBKA) to use the site as an apiary and to site up to ten hives within the enclosed area. The DBKA would intend to initially install approximately five hives with the possibility of adding more, if required in the future, without having to apply for a further planning permission. The existing fencing would be retained and there would be no other alterations to the site.

PLANNING HISTORY

None relevant

PLANNING POLICY BACKGROUND

The following policies are considered to be relevant:

Borough of Darlington Local Plan 1997

E2 – Development Limits

E3 – Protection of Open Land Network

Darlington Core Strategy Development Plan Document 2011

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

CS18 – Promoting Quality, Accessible Sport and Recreation

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received following the Council's consultation exercise and the concerns can be summarised as follows:

As a resident living close to the Bowling Dene I would like some reassurance that security measures will be set up to deter vandals. The vandals have constantly used the bowling green as a target, throwing objects onto the green since the fence was erected. If vandals see beehives they will no doubt see it as a new challenge and will try to hit the beehives. Can the Council give any reassurance to residents of the area that we will not be the victims of swarms of 'angry' bees?

Consultee Responses

The **Durham Constabulary Architectural Liaison Officer** has raised an objection to the scheme in relation to a potential increase in anti-social behaviour. The ALO has commented

This area of Brinkburn Dene is a meeting place for young people from all areas of Darlington and can be an ASB hotspot. The Police are concerned that the hives will be consistently targeted with missiles as was the bowling green in the past. The existing weldmesh fence was erected because of ASB issues, although it is reasonably substantial, the mesh is relatively open and as a consequence easy to climb over. It is intended as a demarcation fence rather than a security fence and in my view it will not be effective enough to prevent wilful damage to the hives. I acknowledge the bowling green would provide a more amenable location for the beekeepers as opposed to the current location at Bellburn Lane allotments, so it is with some regret that I ask to record this objection on behalf of the police

The **Council's Health and Safety Adviser** has commented

The obvious health and safety issue would be members of the public being stung especially children, however as the hives would be within the existing fenced area I don't see that as being an issue. I would be concerned however regarding vandalism of the hives as it is known the youths often climb over this fence to kick a ball around on the Bowling Green. Missiles such as stones and rocks (readily available in this area) could also be used outside the fenced area to damage the hives and aggravate the bees. Unfortunately this area of the Denes is not overlooked so natural surveillance would not be very good. I think the hives are a good idea; however this is probably not an ideal location for them, though it may be worth just putting a couple in there and monitoring the situation for a while.

The **Council's Highways Engineer** has raised no objections to the scheme

PLANNING ISSUES

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Planning Policy

Residential Amenity

Anti-social Behaviour

Impact upon the Visual Appearance of the Surrounding Area

Highway Matters

Planning Policy

The application site forms part of the wider Denes Parks, which are all part of the Open Land Network designated by Saved Policy E3 of the Borough of Darlington Local Plan 1997. The policy seeks to ensure that any proposals to develop open land within the main urban development limit maintains the usefulness and enhances the appearance and conservation interest of the open land system as a whole and supplements the interconnections between its elements. Proposals would not be permitted if they harm:

- The visual relief of the area,
- The character and appearance of the locality through the loss of open space,
- Facilities available for other formal recreation
- The internal continuity of the system
- Areas recognised for their nature conservation or wildlife interest

It is considered that the proposal would comply with the requirements of the Saved Policy E3 and it would not adversely affect the matters outlined above. The site is an existing enclosed green with no public access, no wildlife interest and it would not conflict with other recreational pursuits that occur within the Dene. The visual appearance of the site would be improved as it would be in use.

The proposal would result in the replacement of a sports facility with a new recreational facility and therefore the principle of the proposal would accord with policy CS18 of the Core Strategy.

It is considered that the principle of the proposal would accord with the relevant development plan policies.

Residential Amenity

The Dene is within a residential area and the application site is located on land that is significantly below the surrounding streets. It is screened from the dwellings by the existing trees, landscaping, fencing and hedging on the perimeter of the Dene.

Bee hives are often located in areas that are either public or accessible to the public such as allotment sites. Private dwellings can also have hives in their gardens. One of the reasons that the DBKA consider this site to be ideal, is that it gives them the opportunity to engage with the public on the importance of bees and the role they play in the landscape and to alert residents about the relative passivity of bees. The DBKA are a fully affiliated body and are dedicated to the re-establishment of the British Honey bee which includes the encouragement of bee keeping by the public and they do have the appropriate level of public liability insurance.

The DBKA would look to erect warning signage onto the existing fencing to make people aware of the dangers of interfering with bee hives.

There is no external lighting being proposed as part of the proposal and therefore the risk of light pollution is not an issue.

It is considered that the proposal would not raise any residential amenity issues for the neighbouring dwellings.

Anti-social Behaviour

Concern has been raised by the objector, the Durham Constabulary Architectural Liaison Officer (ALO) and the Council's Health and Safety Adviser that placing hives within the enclosed area could result in the site becoming a magnet for anti-social behaviour or it could worsen any existing problems.

The existing fencing around the green would be retained and only members of the DBKA would have access and be able to unlock the gates. The DBKA would look to improve the security of the site using a number of different measures such as a remote monitoring system which allows them to monitor conditions inside the hives, via computers, but would also alert them to theft or vandalism. It is also important to consider that the occupation of the site may help to alleviate anti-social behaviour problems that having a vacant site could otherwise attract.

The Council would lease the site to the DBKA and a condition would be included within the lease that, in the event of anti-social behaviour, the Council as the landowner, or DBKA as the operator, could discontinue the lease at short notice (three months). Officers consider that as the Council, as landowner, is able to retain control over the use of the site, this will allow for an appropriate response to any anti-social behaviour issues should they arise .

Also, in view of the concerns that have been received and in-conjunction with the lease arrangements, the DBKA has agreed to Officers recommending planning permission for a temporary time period of three years which would allow all parties to monitor and review the scheme prior to the submission of a future application to obtain full planning permission.

Impact upon the Visual Appearance of the Surrounding Area

The proposed use and occupation of the site would result in an improvement to the general visual appearance of the former bowling green and the wider Dene. The hives would not have an adverse impact upon the visual appearance of the locality.

The proposal would enhance the biodiversity of the Dene in accordance with Policy CS15 of the Core Strategy.

Highway Matters

The Council's Highways Engineer has raised no objections to the proposal

CONCLUSION

The proposal would bring this vacant site back into use which would be beneficial to the general appearance of the locality and would create a point of public interest within the Dene. However, in response to the concerns that have been raised about the hives attracting anti-social behaviour, officers are satisfied that the Darlington Bee Keepers Association are mindful of the matter and would look to improve the security of the site and that they would enter into a lease with the Local Authority which allows either party to discontinue the lease if the proposal does result in unacceptable levels of anti-social behaviour. Also, an agreement has been reached that a planning permission for a temporary time period of three years would be appropriate which allows the Local Planning Authority to review the scheme.

The proposal would not raise any residential amenity issues or highway safety concerns and it would accord with the relevant local development plan policies.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. This permission shall be for a limited period only, expiring three years from the date on the Notice when the use shall cease

REASON: In view of the concerns that have been raised about anti-social behaviour, the Local Planning Authority is prepared to approve the proposal for a limited time period only and would wish to review the permission at the end of the period in the light of the experience of the operation of the use

2. B5 – Detailed Drawings (Accordance with Plans)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

E2 – Development Limits

E3 – Protection of Open Land Network

Darlington Core Strategy Development Plan Document 2011

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

CS18 – Promoting Quality, Accessible Sport and Recreation