

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 August 2023

APPLICATION REF. NO:	22/00875/FUL
STATUTORY DECISION DATE:	28 th October 2022
WARD/PARISH:	HURWORTH
LOCATION:	Dinsdale Golf Club Neasham Road Brass Castle MIDDLETON ST GEORGE DARLINGTON DL2 1DW
DESCRIPTION:	Infilling of topographical depression with inert construction waste on land at 18th hole and formation of a bund around existing driving range (part retrospective) (Additional information received 28th February 2023 and 2 nd March 2023)
APPLICANT:	DINSDALE GOLF CLUB

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RG5CD7FPN5200>

APPLICATION AND SITE DESCRIPTION

1. Members will recall that this planning application was considered at the Planning Applications Committee on 12 July 2023. The officers report recommended that planning permission be granted subject to several planning conditions, which took into account all material considerations. Members of the Planning Applications Committee, having considered the report deferred making a decision on the planning application and instructed officers to present the application at the next available Planning Application Committee, with a reason for refusal, for their consideration. Although the

application was deferred to allow officers to prepare a reason for refusal the Committee has not yet made a formal decision on the application.

2. A copy of the original report is appended to this update so that Members have all the information available to make an informed decision on the application.
3. The application site is Dinsdale Golf Club, situated on the eastern side of Neasham Road between Neasham and Middleton St George. The application relates to two distinct areas within the Golf Course Grounds.
4. Part of the application relates to proposed development within the area of the driving range. In September 2020, planning permission was granted for a driving range and associated building to include a teaching studio, to the south side of the site adjacent to the car park at the front of the site with the range area lying to the south of the range building (20/00270/FUL). A copse of trees lies on the southern edge of the range field which is identified in the Local Plan as a Local Wildlife site. Along the edges of the range field are lines of hedging, separating the range field from the main golf course area and the public highway.
5. The other part of the site area that this application relates to is the area of the golf course at the 18th hole. This sits some 300m to the northeast of the club house towards the northern boundary of the Golf Club. To the north of the site lies a private road and public footpath. The depressions within this area are not regularly shaped and are less than 2m deep. Stoned pathways run around the eastern and southern edges of the area, being free draining and designed to accommodate golf buggies. A small timber hut lies within the affected area which previously used to be used for shelter on the course. It is no longer in use and would be removed as part of these proposals.
6. This application seeks planning permission for two separate projects on the Golf Course site:
 - a) The infilling of a void on the surface of the Golf Course near the 18th hole; and
 - b) The creation of a bund around the existing driving range.
7. The application states that project (a) is retrospective in part as some parts of the existing surface water drainage have had their inspection covers raised to the proposed new levels adjacent to the 18th hole. The application confirms that the works were begun during lockdown without an appreciation of the need for permission for such engineering works and work was ceased once contact was made with the planning department. The application states that the two proposals are unrelated and would be carried out independently of each other.
8. In respect of project (a) the proposed infilling of the void on the surface of the golf course on and around the 18th hole would be carried out using locally derived clays from construction projects and once completed the area would be re-profiled, topsoiled and seeded to match the golf course. No trees or hedges would be affected by the proposals

which the application states relate to course improvements sought by members as part of the ongoing investment and improvements at the club.

9. In respect of project (b), the application states that the driving range field, being flat with no physical boundary, suffers from confident golfers being able to hit their balls off the field and into the surrounding woodland and hedging. The proposed development involves the creation of an earth bund of some 4m in height around three sides of the field. The base of the bund would be some 9m wide arranged in a U shape with the open end facing the driving range building. The existing surface water drainage system installed in the field would be unaffected by the proposals.
10. The bund would be constructed out of clay, which the application confirms would be derived from local construction projects and topsoiled with seeding. Within the bund it is intended to create hibernacula for the site's Great Crested Newt population to help with over wintering. The bund would be inset inside all existing vegetation around the field and would not affect any of the surrounding trees and hedging. Notwithstanding this, the application confirms that Dinsdale Golf Course have planted a significant number of new trees and hedging on the site as part of the recent and ongoing refurbishment program. Additional planting is also proposed as part of these proposals. The western side, adjacent to the highway would have a greater inset of approximately 20m from the existing hedging which is more established in this area. The bund will prevent the possibility of balls straying off the driving range and affecting either the adjacent highway or users of the main course.
11. As background, the application states the following:

'Dinsdale Golf Club became privately owned under the current applicant in 2018, since then it has embarked upon a successful programme of investment and redevelopment to attract new members to the club and turn around the fortunes of the club. The present proposals are two small parts of that continued investment, seeking to improve the operation of the newly constructed driving range and to further develop the course by smoothing out the topography to provide a course that's safe and accessible to all'.

'The proposed development will support an existing rural business which gives employment to local workers in an area where such opportunities are otherwise limited. Furthermore, it will provide a productive and beneficial place for clay from local construction projects in nearby villages to be deposited. It will make the course safer to play for those with ambulant challenges, by removing voids on the course which are not compatible with modern players, many of whom make use of buggies to get around on the course because of mobility issues.

MAIN PLANNING ISSUES

12. The officer's report set out the main issues to be considered in the following terms:

- (a) Principle of the proposed development
- (b) Impact on Visual amenity
- (c) Impact on residential amenity
- (d) Highway safety
- (e) Impact on Public Rights of Way
- (f) Biodiversity
- (g) Flood Risk

PLANNING POLICIES

13. The following policies are relevant in the determination of this application:

- Policy SD1 reaffirms the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF).
- Policy DC1 requires good design to create attractive and desirable places, including a requirement that the proposal reflects the local environment and creates an individual sense of place; takes account of the need to safeguard or enhance important views and vistas, that any associated landscaping has been developed to enhance both the natural and built environment retaining existing features of interest, and that the proposal provides safe and suitable vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4.
- DC2 requires that all development proposals will be expected to be designed to mitigate and adapt to climate change.
- DC3 encourages development that supports improvements to health and wellbeing.
- DC4 requires new development to be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings.
- E4 supports the sustainable growth and expansion of all types of business located in the open countryside.
- ENV3 seeks to protect and improve the character and local distinctiveness of the urban area, villages and rural area.
- Developments will be expected to minimise the impact on, and provide net gains for, biodiversity, including establishing coherent and resilient ecological networks (Policy ENV7) with the relevant measures that should be applied for assessing this set out in Policy ENV8. ENV7 states that development likely to result in significant harm to a local wildlife site should be avoided.

RESULTS OF TECHNICAL CONSULTATION

14. The officers report advised that there are no objections in principle from Council's Highway Engineer and Environmental Health Officer or the Local Lead Flood Authority, subject to conditions. The Environment Agency has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

15. The officers report confirmed that overall, 16 letters of objection and 25 letters of support had been submitted over the course of the determination of the planning

application. Objections were also received from Neasham Parish Council and Middleton St George Parish Council.

PLANNING ISSUES/ANALYSIS

16. The officers report highlighted that the proposal relates to an existing rural business for which policy E4 supports proposals for sustainable growth and expansion of, subject to proposals being sensitive to their surroundings, providing satisfactory access and not having an unacceptable impact on the local road network.
17. The proposal relates to the continued investment in the club, which seek to improve the operation of the driving range, and to smooth out part of the existing course for safety and accessibility.
18. In view of the above the officers' report considered that the proposal is acceptable in principle, subject to consideration of the relevant development management issues. The officers report considered each of these issues (items b-g listed above) and concluded that the development was acceptable in the context of each.
19. At the Planning Applications Committee, Members debated the application at length. Members considered the issues being faced by the Golf Club and acknowledged the measures being proposed to address these issues. Members considered the proportionality of the approach to addressing the problems encountered on the driving range, and the impact of these proposals on the visual appearance of the area.
20. Having done so, Members deferred the planning application and instructed Officers to present the application at the next available Planning Application Committee, with a potential reason for refusing the planning application on visual amenity grounds. Although the application was deferred to allow officers to prepare a reason for refusal the Committee has not yet made a formal decision on the application.
21. If Members were to decide on balance that the development would have an adverse impact on the visual appearance of the area such that it would be contrary to policy officers suggest that the refusal be worded in the following terms:

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON

1. The proposal by reason of its scale would be disproportionate when seeking to solve issues relating to restricting the flight of golf balls on the course and would result in an unacceptable visual appearance within the area which would be in conflict with Policies E4 [Economic development in the open countryside] DC 1 (Sustainable design principles and climate change) and ENV3 (Local Landscape Character) of the Darlington Local Plan 2016-2036.

THE PUBLIC SECTOR EQUALITY DUTY

22. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. All buildings would include level access arrangements and disabled facilities and the wider layout includes appropriate crossings and parking provision for people with mobility issues. The proposal would accord with policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

23. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION:

For the reasons set out in the appended report, Officers' Recommendation remains: GRANT PERMISSION SUBJECT TO THE CONDITIONS AS SET OUT IN THE APPENDED REPORT