

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 May 2012

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| APPLICATION REF. NO: | 11/00644/FUL |
| STATUTORY DECISION DATE: | 7 December 2011 |
| WARD/PARISH: | MIDDLETON ST GEORGE |
| LOCATION: | Church House Farm, Middleton St George |
| DESCRIPTION: | Conversion of existing agricultural buildings to form 4 no. dwellings with gardens and hardstandings for car parking to the front. |
| APPLICANT: | Mr J Havakin |

APPLICATION AND SITE DESCRIPTION

The site is located approximately 1.2km to the south east of Middleton One Row and lies on the perimeter of Durham Tees Valley Airport. It comprises a range of traditional brick built agricultural buildings and the former farmhouse. Access to the site is via a mainly unmade track.

This is a full application for the conversion of a number of the former agricultural buildings to provide for dwelling units with associated garden areas and hardstanding areas for parking.

PLANNING HISTORY

An application for the conversion of the outbuildings to form 5 dwelling units (ref: 11/00271) was withdrawn in August 2011.

PLANNING POLICY BACKGROUND

Borough of Darlington Local Development Framework Core Strategy, policies: -

- CS2 - Achieving High Quality, Sustainable Design
- CS11 - Meeting Housing Needs
- CS14 - Promoting Local Character and Distinctiveness
- CS15 - Protecting and Enhancing Biodiversity and Geodiversity

Borough of Darlington Local Plan 1997, policies: -

- E5 - Change of Use of Buildings in the Countryside
- H7 – Areas of Housing Development Restraint

The National Planning Policy Framework is also applicable.

RESULTS OF CONSULTATION AND PUBLICITY

Two letters have been received from the adjoining dwelling house (Church House Farm) objecting to the proposed development on the following grounds: -

- The access road from Aislably Back Road is impassable when there is heavy snow or frost. An increase in the number of vehicles using it and the lack of and pavement and lighting is almost certainly likely to result in a serious accident.
- Work has already begun on the driveway.
- It would devalue my property.
- The existing electricity supply is poor.
- There is already a serious problem with the collection of refuse due to the location of the existing dwelling. The development would only make this worse.

Middleton St George Parish Council has objected to the proposed development on the following grounds: -

- The site lies the outside the development boundary in open countryside, if permission were given we are concerned that it will set a precedent for further development in the future.

Durham Bat Group has advised that Middleton St George has one of the highest densities of bats in any village in the North East and that agricultural buildings are particularly important for the rarer species of bats and the risk of bat use is very high. They have therefore suggested that any development of the buildings should be guided by a full bat survey carried out by a suitably qualified and licensed batworker.

Northumbrian Water has no objection to the proposed development.

Durham County Council Archaeology Consultant has advised of the potential for archaeological remains to be found in view of the age of the buildings, proximity to St George's church nearby and also the presence of medieval activity in the locality. Consequently, conditions are sought for recording of heritage assets and any mitigation measures required should finds be discovered.

The Council's Highway's Engineer has made the following comments: -

“Though there is concern at the distance of the proposed housing from the public highway this can be mitigated by provision of an access track that is suitable for use by private cars, service vehicles, emergency vehicles, cyclists and pedestrians.

Discussions have taken place on highway issues to improve access to the site, as follows:

- *Provision of upgraded access track including passing places at 100m/150m centres or for the width of track to allow for vehicles to pass comfortably. A significant length of the existing access is highway maintainable at public expense. It is proposed that a section of the unadopted access is scarified and levelled. The remainder would be*

metalled. A condition would be required to secure the improvement works and for provision of construction details over the whole length of the track including access roads and parking/manoeuvring areas within the site.

- *The development site is further from the public highway than recommended in Manual for Streets for access for emergency services. The access track and manoeuvring area within the site must therefore be designed, structurally and geometrically, to allow for access by emergency service vehicles. A condition would be required to secure this.*
- *A regime must be put in place for ongoing maintenance of the access track and parking areas, and a condition will be required to secure this maintenance plan.*
- *There will be an issue in regard to removal of refuse from the site. A condition would therefore be required in regard to provision of bin stores in a suitable location.*

Provided the above conditions are included with an approval I would raise no highway objection to the proposal.

The Council's Environmental Health Section has requested the imposition of the standard contamination condition and the adoption of measures to safeguard the amenities of the proposed dwellings from excessive air traffic noise from the airport which can be made conditional to any approval.

The Council's Ecology Officer is satisfied with level of mitigation set out in the accompanying bat and owl report which can be secured by condition.

PLANNING ISSUES

The main issues to be considered are:-

- Planning Policy
- Visual Amenity
- Residential Amenity
- Nature Conservation
- Highway Matters

Planning policy/Visual Amenity

Residential conversions need to satisfy both policies E5 and H7 of the Local Plan.

The combined policy requirements are: -

- The buildings must be of visual, historic or architectural importance and capable of conversion without damaging the visual, historic or architectural character of the building or its surroundings;
- The structure should be sound and capable of adaption without significant re-building or extension;
- Extensions should not result in a fundamental change in scale or character of the building;
- The proposed use would not be intrusive in the countryside, nor create unacceptable traffic, amenity or disturbance problems.

The buildings, which are the subject of the proposed scheme, are in the main considered to be of local historic and architectural interest including features such as traditional arched doorways and openings with lintels and cills. The structural report accompanying the application indicates that they are in a sound condition and can be converted without the need for any major rebuilding work.

The design of the scheme is sympathetic with the style of the existing buildings and makes good use of existing door and window openings.

Policy CS11 of the LDF Core Strategy seeks an element of affordable housing of up to 30% from developments of 5 dwellings or more (or 0.2ha) outside the main urban area. The application excludes a number of other traditional agricultural buildings within the applicant's ownership which are considered suitable for residential conversion. Paragraph 4.4 of the Affordable Housing SPD specifically addresses the subdivision of sites, as a means to circumvent the requirement to provide affordable housing. It states that *'for the purposes of establishing the affordable housing requirement, planning applications will be taken as relating to any composite or naturally defined larger area, whether or not subject to phased development and regardless of ownership. This will normally mean the curtilage of the property.'* Although no affordable housing provision is included with the scheme the applicant is prepared to enter into a planning obligation that will secure the provision of an element of affordable housing should planning permission be granted for any of the remaining buildings be converted into residential units in the future.

Residential Amenity

The proposed scheme would be unlikely to be detrimental to the amenities currently enjoyed by the occupiers of the existing dwelling. Similarly it is considered that satisfactory levels of amenity would be provided for the occupants of the proposed residential units.

Nature Conservation

A bat and barn owl report has been submitted with the application which states that there was no evidence of the buildings being used by owls or bat roosting. Nevertheless the report recommends the erection of a number of bat boxes around the site to provide potential roost sites for bats and also the erection of owl nest boxes, which can be made conditional to any approval. The Council's Ecology Officer is satisfied with the level of mitigation provided.

Highway Matters

The Council's Highway's Engineer has no objections to the development subject to conditions to secure the following: -

- 1) Improvements to the existing access track to include passing places;
- 2) The access track to be designed to allow for access and manoeuvring of emergency vehicles;
- 3) ongoing maintenance plan for the access track and car parking; and
- 4) Suitable location for refuse storage.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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.

CONCLUSION

The application proposes the conversion of existing buildings which are structurally sound and of local historic or architectural interest. The approved scheme will not unacceptably impact on the character or appearance of the existing buildings or the surroundings and can be carried out without the requirement to significantly re-build or extend the building and would not be intrusive in the countryside. The application does not raise any issues in relation to highway safety or crime prevention.

RECOMMENDATION

THE DIRECTOR OF PLACE BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE PROVISION OF AFFORDABLE HOUSING IF A SUBSEQUENT APPLICATION IS MADE THAT WOULD BRING THE TOTAL OF DWELLINGS TO FIVE OR MORE ON THE APPLICATION SITE AND ADJOINING LAND WITHIN THE APPLICANT'S OWNERSHIP.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THE AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) J2 Contamination
- 5) Prior to the commencement of development, a method of working statement shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved statement.
REASON-In order that the Local Planning Authority may be satisfied as to the details of the development and to safeguard the character and appearance of the existing buildings.
- 6) Notwithstanding any description of the design and fitting of any doors and windows in the application, precise details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development .The development shall not be carried out otherwise than in accordance with the approved details.
REASON-In order to ensure a satisfactory appearance of the development, in the interests of visual amenity.
- 7) The doors and windows agreed under condition [6] above shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
REASON-In order to safeguard the character and appearance of the buildings.
- 8) Prior to the commencement of development the following details shall be submitted to and approved by the Local Planning Authority:-
 - [a] details of flues,vents and metre boxes;
 - [b] Fences,walls and gates;and
 - [c]Areas of hard surfacing.

The development shall not be carried out otherwise than in accordance with the approved details.

REASON- In order to ensure a satisfactory appearance of the development, in the interests of visual amenity.

- 9) Notwithstanding anything shown in the application the access serving development shall be upgraded, precise details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development and shall include the following: -

- a) constructional details over the whole length of the track including access roads and parking manoeuvring areas within the site;
- b) the access track and manoeuvring area within the site must be designed structurally and geometrically to allow for access by emergency vehicles.

The development shall not be carried out otherwise than in accordance with the approved details.

REASON- In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

- 10) Prior to the commencement of development details of a regime for the ongoing maintenance of the access track and parking areas shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety.

- 11) Prior to the commencement of Development precise details of a bin storage facility and location shall be submitted to, and approved by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

REASON- To ensure that satisfactory provision is made for the storage of household refuse.

- 12) Notwithstanding the provisions of the Town and Country Planning [General permitted Development] Order 1995 [or any order revoking or re-enacting that Order] no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without the prior written consent of the Local Planning Authority.

REASON- To allow the Local Planning Authority to retain control over the development in the interests of visual amenity.

- 13) No demolition or rebuilding work additional to that specified in the structural report carried out by Dr James Gordon shall be carried out in undertaking the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON- In order that the Local Planning Authority may retain control over the development hereby approved.

- 14) Prior to the development being commenced, a scheme for the protection of the proposed residential accommodation from excessive air traffic noise from the Durham Tees Valley International Airport shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall

achieve noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events not to exceed 42 dB LAFmax in bedrooms. Any works which form a part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.

REASON- In order to safeguard residents of the dwellings from excessive noise from air traffic from Durham Tees Valley Airport.

- 15) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which is submitted to, and approved in writing by, the Local Planning Authority as follows: -
- a) Methodologies for a Level 2 EH-style building record prior to any conservation works or stripping out of fixtures and fittings.
 - b) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the work is undertaken and completed in accordance with the approved strategy.
 - c) Monitoring arrangements, including the notification in writing to the Durham County Council Archaeologist of the commencement of the archaeological works and the opportunity to monitor such works.
 - d) A list of all staff involved in the implementation of the strategy, including sub – contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategies shall be carried out in accordance with the approved details and timings.

REASON – To comply with Policy CS14(E)(12) of the Borough of Darlington Local Development Core Strategy Document (2011) as the site may potentially contain features of local archaeological importance.

- 16) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved.

REASON – To comply with policy HE12.2 – 12.3 of PPS5 to make the information as widely accessible to the public as possible.

- 17) No development shall take place unless in accordance with the mitigation detailed within the protected species report '*Bat and Owl surveys for outbuildings at Church Farm, Middleton One Row, Veronica Howard, August 2009*'.

REASON – To conserve protected species and their habitat.

- 18) Notwithstanding anything contained in the application precise details and locations of the bat boxes and owl nest boxes shall be submitted to, and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON- In order that the Local Planning Authority are satisfied with the details of the development and to ensure the conservation of protected species and their habitats.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application proposes the conversion of existing buildings which are structurally sound and of local historic or architectural interest. The approved scheme will not unacceptably impact on the character or appearance of the existing buildings or the surroundings and can be carried out without the requirement to significantly re-build or extend the building and would not be intrusive in the countryside. The application does not raise any issues in relation to highway safety or crime prevention. The proposed development accords with the relevant policy in the adopted development plan and national planning guidance set out below;

Borough of Darlington Local Development Framework Core Strategy, policies: -

- CS2 - Achieving High Quality, Sustainable Design
- CS 11- Meeting Housing Needs
- CS14 - Promoting Local Character and Distinctiveness
- CS15 - Protecting and Enhancing Biodiversity and Geodiversity

Borough of Darlington Local Plan 1997, policies: -

- E5 - Change of Use of Buildings in the Countryside
- H7 – Areas of Housing Development Restraint

The National Planning Policy Framework

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

1. *The YAHPAC "Development of Land Affected by Contamination" Technical Guidance for Developers, Landowners and Consultants provides further advice and information to assist in complying with the requirements of the land contamination planning condition. The guidance can be found on the Council's website at the following link:
<http://www.darlington.gov.uk/Environment/Pollution/contaminatedland/planningguidance.htm>*
2. *The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms.P.Goodwill 01325 288760) to discuss naming and numbering of the development*
3. *The access track to the development site has a two public footpaths, Footpaths 7 and 8a running along it for part of the route from Low Middleton Lane. This route must be protected during the construction period and care must be taken by construction to allow safe continued use of the footpath by walkers. This should also be case following the completion of the construction, the new owners and their visitors must also give due care to users of the footpath when driving along the route.*
4. *The route of Footpath 7 also goes through the construction site at the farm buildings and therefore the route must either be preserved for the safety of walkers or temporarily diverted, at a cost, during the construction period. This diversion can only be for a period of six months. It might therefore be a better option if the land owners investigate the possibility of permanently diverting the route of the footpath away from the buildings, if such a suitable*

route exists. The applicant is advised to contact Malcolm Thompson, the Council's Countryside Access Officer 01325 388648 regarding this matter.